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WOMEN AS RABBIS

A MANY-SIDED EXAMINATION OF ALL ASPECTS

Halakhic — Ethical — Pragmatic

by

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STATEMENT OF PURPOSE

In increasing measure, modern men are turning again to the quest for a worldview on the issues that are timeless—the meaning of life, the challenge of death, the purpose of suffering, the significance of the individual, his relation to society, and the goal of history. In order to advance this enterprise of spiritual discovery of our time this Journal has been projected. It will be primarily concerned with the philosophy, ethics, and religion of Judaism as a factor in the contemporary world . . .

We are committed to the proposition that Judaism has positive value today for Jews and for the world . . . At the same time, we disassociate ourselves from the dangerous tendency toward the hardening of party lines on the contemporary Jewish scene . . . The members of the Board of Editors belong to every school of Jewish life or to none. The trends popularly referred to as Orthodox, Conservatism, Reform, Reconstructionism, as well as others that as yet have no specific names, have their advocates among us, though no institution or movement is officially represented . . . Undoubtedly, our differences will find expression in these pages, but we shall be at one in opposing the dogmatism which takes for granted that one's own particular standpoint has a monopoly on truth and the authoritarianism which would suppress any contrary point of view.

Judaism will be dedicated to the quest for truth in the spirit of freedom. Our columns will be open to anyone who has something significant to say and the ability to say it well. New and unconventional interpretations, whatever their standpoint, will be welcomed from every source, for we share the conviction of the Talmud that "Both these and the others are the words of the living God." *From the introductory article by Robert Gordis, "Toward a Renaissance of Judaism" in Vol. I, No. 1.*

The First Reader

The Ordination of Women

For nearly a decade the ranks of Conservative Judaism, both lay and rabbinic, have been agitated by the issue of the ordination of women as rabbis. The importance of the question for the character of American Judaism and for the status of women in Jewish life can scarcely be exaggerated.

Accordingly, early in the spring of 1983, we projected a symposium on this question for the columns of JUDAISM. We invited a representative group of Jewish scholars and rabbis from all schools of Jewish thought to participate in the symposium. It should be noted that this project was undertaken long before the announcement of a meeting of the faculty of the Jewish Theological Seminary on the question, to be held on October 24, 1983.

The Editor's views on the question of women's ordination are well known, and are briefly summarized in his paper in the symposium, which offers a historical survey of the issue. It need hardly be pointed out that we have, as always, adhered to our basic principle of free, balanced and representative presentation of all controversial issues in the pages of our journal. We believe that our readers will find this symposium both interesting and enlightening.

Separate — and not Equal — in Israel

The powerful image of Golda Meir as Prime Minister of Israel, as well as the general conception of Israel as a vibrant and progressive democracy, has helped to foster the view that Israeli women enjoy a substantial measure of equality with their male counterparts.

Ruth Beizer-Bohrer, in her paper, "Images of Women in Israeli Literature — Myth and Reality" analyzes the role of women in contemporary Israeli fiction. She finds in it a reflection of the attitudes prevailing in Israeli society — a relegation of women to a secondary role in all aspects of the national life. Moreover, she sees little evidence of any challenge to this sta-

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tus of inferiority at present, either from a feminist movement or on general egalitarian grounds.

Orthodoxy at a Crossroads

The shifting tides of contemporary life, both in general society and the Jewish community, have frequently produced unexpected changes in the relative importance and success of the various trends in Judaism. Movements which a few years ago were in the ascendent find themselves significantly weakened and less confident than they were in the past. On the other hand, trends previously regarded as unimportant have developed unsuspected vigor and command considerable power.

One such far-reaching shift is discussed by *Joshua Berkowitz* in his paper, "The Challenge To Modern Orthodoxy." He seeks to analyze the reason for the relative decline of modern Orthodoxy vis-à-vis right-wing Orthodoxy today and argues that the root of the problem lies in its being content to repeat its basic slogans without undertaking the arduous task of defining its true philosophy.

Mourning Does Make Sense

The very complex and detailed laws of mourning enjoined by the Jewish religion are the subject of the paper by *Joel B. Wolowelsky*, entitled "Self-Confrontation and the Mourning Rituals." He offers subtle psychological rationale for many minutiae in the Halakhic laws of mourning, and finds in them instruments of release and reconciliation following the impact of personal loss.

Of course, these practices can also be interpreted in cultural and anthropological terms. But the psychological approach here presented should stimulate a higher appreciation of the goals of Jewish religious observance, in general, and of the laws of mourning in particular.

Poems on the Akedah

While we have not generally commented on the poetry published in our columns, we call our reader's attention to two treatments in verse, by *Arthur P. Nemitoff* and *Archie Rottenberg*, of the central theme of the Akedah, the Sacrifice of Isaac.

From Zion Shall Come Forth Prayer

One of the most impressive activities of the Reform movement in recent years has been the creation of a series of prayer books for all occa-



sions. Much piety and much creativity have gone into them, despite the current complaint that people are no longer interested in, or concerned with, religion. A recent contribution in this genre has appeared in Israel (where the movement calls itself Progressive and not Reform). It is discussed in a review-essay called "A New Rite From Zion" by *Eric L. Friedland*.

R. G.

We mourn the passing of *Rabban shel Yisrael*,

Rabbi Mordecai M. Kaplan, ל'נ

His creative thought and inspired dedication to God, Israel and Torah were crowned by a lifetime of moral and intellectual integrity. He was a revered member of the Board of Contributing Editors of JUDAISM since its inception.

The memory of the righteous is a blessing.

The Ordination of Women — a History of the Question

ROBERT GORDIS

IT IS NOT AT ALL ASTONISHING THAT THE ordination of women as rabbis has been a problem primarily for Conservative Judaism. Reform Judaism, though increasingly sympathetic in recent years to Jewish tradition, continues to reject the authority of the Halakhah. Whatever problems Reform encounters with regard to women's ordination are, therefore, entirely in the practical realm, overcoming innate prejudices against women in new areas of activity. Hence, women are being ordained in growing numbers by Hebrew Union College — Jewish Institute of Religion, both in New York and Cincinnati, as well as by the Reconstructionist Rabbinical College in Philadelphia. In the felicitous words of a distinguished Reform leader, Jewish law is a source of guidance and not of governance.

Orthodox Judaism, too, at least thus far, has encountered no problem in this area, rejecting the idea completely. Orthodox dogmatics maintain in theory — though often not in practice — that Halakhah, the body of Jewish law — is an immutable manifestation of the Divine will. Since women have not been rabbis in the past, they should not be rabbis in the future. Rabbinic texts are then searched for sources from which a prohibition of women's ordination can be extracted.

The problem has been acute for Conservative Judaism, whose basic doctrine has been the concept of the dynamic nature of Jewish tradition. Basing itself on the historical record revealed by nearly two hundred years of historical and critical scholarship, Conservative Judaism regards Jewish tradition as the product of a dialectic between God and the people of Israel. Hence, in every age, the body of Jewish tradition is the resultant of the law and lore received from the past, coming into contact with new conditions and new religious, philosophic and ethical insights. The product of this interaction constitutes a new formulation of tradition for the next generation, where the same process comes into play again. That this creates major theological and philosophic problems is self-evident, but the reality of the dialectic process is undeniable.

A principal area of concern in modern Judaism has been the role of women, to whom the traditional Halakhah of the past clearly assigns a position of inferiority in law and status. Nonetheless, the history of the

Halakhah, from the biblical era through mishnaic, talmudic, gaonic and medieval times to the present, clearly reveals a basic trend in the tradition. Though there have been setbacks, to be sure, the movement toward the equality of both sexes in right and privilege cannot be denied.

This is especially evident in the laws of marriage and divorce. Here, many steps were taken through the centuries to restrict the originally unlimited power wielded over women by their fathers and husbands and, *pari passu*, to extend the rights of women. The steps in this process cannot be detailed here. Suffice it to say that though substantial progress was registered, more than a few vestiges of the inequality of women still remain, notably in the area of divorce. Here the tragic problem of the Agunah has exercised sensitive and dedicated Jewish leaders in all camps, and Conservative Judaism has taken steps to ameliorate the situation.

Another aspect of this fundamental problem is the ordination of women as rabbis. Though the issue surfaced in Conservative Judaism only during the last decade, there were earlier adumbrations. At the turn of the century, in 1902, Henrietta Szold, the brilliant and scholarly daughter of Rabbi Benjamin Szold of Baltimore, who had served as secretary and editor of the Jewish Publication Society, settled in New York. She continued her advanced Jewish studies by taking courses in Hebrew, Bible and Talmud at the Jewish Theological Seminary, though there is no evidence that she was interested in a rabbinical degree.

In this area, as in so many others, German Jewry has been both a prototype and a laboratory for American Jewry. The first modern female rabbi was a German-Jewish woman named Regina Jonas. In the mid-nineteen thirties, she was admitted to the *Hochschule für die Wissenschaft des Judentums* in Berlin, the rabbinical seminary for German-style Reform Judaism, which was probably closer in spirit and outlook to American Conservatism than to American Reform. But when she completed the course, the professors refused to grant her ordination. She then secured private ordination from a rabbi in Offenbach and served as rabbi in several social service agencies until 1940, when she was seized by the Nazis and sent to the concentration camp in Theresienstadt. There she died.

A few years later, in the same decade, the identical problem arose in the United States. Helen Levinthal Lyons, the gifted daughter of one of the most distinguished rabbis in Conservative Judaism, Dr. Israel H. Levinthal of the Brooklyn Jewish Center, decided to seek ordination, which was impossible at the Jewish Theological Seminary. She enrolled and took the entire rabbinical course at the Jewish Institute of Religion in New York, which had been founded by Rabbi Stephen S. Wise as a "non-denominational" seminary to train rabbis for all branches of American Judaism. This variety was reflected in the composition both of its faculty and its student body. (After Wise's death it became the New York school of the Hebrew Union College, the Reform Seminary in Cincinnati.)

When Helen Levinthal Lyons completed her course, the majority of

the faculty, including the great historian of the Halakhah, Chaim Tchernowitz, known as Rav Za'ir, favored her ordination, but others, notably Professor Henry Slonimsky, opposed it. On May 28, 1939 she was awarded the academic degree of M.H.L. (Master of Hebrew Literature) with diplomas attesting to the fact, both in Hebrew and in English, but was denied rabbinical ordination.

Nearly three decades were to elapse after the ordination of Regina Jonas in Germany, before women's ordination became a reality in the United States. In the sixties, the (Reform) Hebrew Union College — Jewish Institute of Religion in Cincinnati and New York, and the Reconstructionist Rabbinical College in Philadelphia began to admit women to the rabbinical course. On June 3, 1972, Sally J. Priesand was ordained in Cincinnati, the first woman rabbi in the United States. Since then, the number of female rabbinical students in the Reform and Reconstructionist schools has continued to rise dramatically. They now constitute approximately one-third of the student body in all three schools.

During this decade, the only overt sign of movement in this area within Conservative Judaism was the selection of a woman to teach Talmud at the Jewish Theological Seminary. In 1974, Judith Hauptman became a member of the faculty, where she is now an associate professor in Talmud. Her appointment was widely regarded as a small move toward equalizing the role of women in Jewish religious life.

At this time, several women, some of them daughters of Conservative rabbis and others committed to the practice and outlook of Conservative Judaism, became interested in the rabbinical calling. Their applications for admission to the Rabbinical School of the Seminary were routinely rejected, and many of them ultimately opted for the Reform and Reconstructionist schools.

Meanwhile, pressure for the admission of women to the Conservative rabbinate was mounting. The constitution of the Rabbinical Assembly, the international organization of the Conservative rabbinate, was amended to admit to membership "any person possessing the requisite qualifications of character, learning and commitment."

At the Annual Convention of the Rabbinical Assembly in the spring of 1977, a motion was presented asking the faculty of the Jewish Theological Seminary to admit women to the rabbinical course. A passionate debate on the question developed, and it became clear that there was a marked division of opinion in the membership. At a heated session, which lasted beyond midnight, the Chancellor of the Seminary, Dr. Gerson D. Cohen, requested that the resolution be held in abeyance. He announced that he would appoint a commission to study the question in all its aspects, and that he would then present its recommendations to the Rabbinical Assembly, following which he would proceed to implement them at the Seminary. This commission took its assignment very seriously. It studied the theoretical as well as the practical aspects of the issue and conducted

interviews and surveys throughout the American continent. In its report the majority recommended the admission of women to the rabbinical course. Its conclusion was as follows:

There is no direct Halakhic objection to the acts of training and ordaining a woman to be a rabbi, preacher and teacher in Israel. The problems associated with ancillary functions were deemed by the Commission to be insufficient grounds for denying a considerable and growing group of highly talented and committed Jewish women the access they desire to the roles of spiritual and community leaders.

The report and the recommendations were duly presented to the Rabbinical Assembly by the Chancellor at its convention in January, 1979.

Dr. Cohen then also requested each member of the Seminary faculty to prepare a position paper by May 30th of that year, preliminary to voting on the question. By the stipulated date, only a few such papers were in his hands. One was a closely reasoned statement arguing for the halakhic legitimacy of women's ordination by Professor Joel Roth, which appears in abridged and somewhat less technical form in this symposium. Another paper, by the present writer, is summarized below in this article.

It became clear that a group in the faculty, spearheaded by most, but not all, of the members of the Talmud department, was strongly opposed to the ordination of women and was determined to block consideration of the issue. When various efforts to resolve the situation failed, a vote was taken to table the question.

Chancellor Cohen, who had, time and again, expressed his strong commitment to the idea of women's ordination, now made a new proposal. He presented a plan to train women who wanted to become rabbis, but in a separate curriculum that would be equal in content and quality to that pursued by male students.

In addition to publicizing the idea, he broached it personally to a group of six women who were enrolled in the graduate program at the Seminary and were hoping to be admitted, sooner or later, to the rabbinical course. The women were divided among themselves as to whether this version of "the separate but equal doctrine" should be accepted as a step toward their ultimate goal or should be rejected as a diversionary tactic, even though it had been proposed by the Chancellor in all good faith. He announced that the Religious Ministry Program would be launched at the opening of the academic year, in September 1980.

The women met subsequently with members of the administrative staff of the Seminary who were charged with implementing this new program. At these meetings they were warned against becoming over-educated and were informed that the plan was intended to train "para-professionals" or "quasi-rabbis." Consequently, the proposed curriculum would stress "practical training" rather than "academic concerns." The representations and objections of the women were fruitless and, ultimately, they turned elsewhere in search of careers. The struggles and

frustrations of these women are movingly described by a member of the group, Debra Cantor, in her paper, "Get Ready, Get Set . . . Wait" (*Moment*, VIII, 9: 38-42).

In the Rabbinical Assembly, too, a substantial and militant minority organized to combat the proposal for ordination. This group, calling itself, with unconscious irony, the Committee for the Halakhic Process, carried on a vigorous campaign for the status quo, using the mails, interviews and announcements in the press and other media, both public and private. Nevertheless, though there were threats of wholesale defection and passions ran high, the organization remained intact. At the same time it became clear that there was an unmistakable growth of sentiment in the Rabbinical Assembly for the admission of women.

Perhaps some part in the change of attitude may be attributed to the paper by the present writer, prepared in response to Dr. Cohen's request. After its publication under the title, "The Ordination of Women," in *Midstream* (August-September 1980), it was widely circulated. It analyzed in detail the halakhic passages that were alleged to bear upon the issue and demonstrated that they were either irrelevant, far-fetched or imaginary. It came to the conclusion that "the Halakhah neither sanctions nor forbids the ordination of women — it never contemplated the possibility." It is hardly a coincidence that, since the publication of the paper, the sources which had constantly been cited as contravening the ordination of women, such as those exempting them from "time-limited" positive *mizvot shehazman grama*, have almost disappeared from the discussion.

The paper dealt next with the ethical difficulties emanating from the fact that Jewish tradition is male-centered and reflects the attitudes and conditions of earlier male-dominated societies. It then turned to the social and psychological problems that the ordination of women would raise, especially at the beginning. Lastly, the article pointed to the practical need for additional dedicated rabbis to meet the growing religious, pastoral and educational activities in American-Jewish communities. It closed with an expression of the hope that a calm consideration of the issue would prevail, and that both those who favored the ordination of women and those who opposed it would recognize the goals that they held in common and would continue to work in harmony.

That hope was shortly to be put to the test. In 1981, a young woman, Rabbi Beverly Magidson, who had been ordained by the Hebrew Union College-Jewish Institute of Religion, applied for membership in the Rabbinical Assembly. Unanimously, the Membership Committee found her eminently qualified on all counts of character, learning and commitment to Conservative Judaism, both in theory and practice. The question of gender was excepted, since a minority of the Membership Committee were opposed to the ordination of women. In accordance with the Constitution, the Executive Council voted on this report and overwhelmingly — 18 to 7 — endorsed her application. It now required a three-

quarter affirmative vote at the Annual Convention, as set forth in the constitution of the Rabbinical Assembly.

A vigorous campaign for and against her admission was waged in the months before the convention in Dallas in April, 1983. On Tuesday, April 12, a full-fledged debate on the issue was held, with some thirty rabbis participating. The entire proceeding was conducted on a high level, with few lapses, though feelings were strong. When, finally, a roll call was taken, 206 members voted in favor, 72 against — three votes short of the three-quarters needed. When a second ballot was called for, the tally was 210 ayes and 75 nays, her admission being rejected by four votes.

Prophecies of a split in the Assembly were not fulfilled. Both the right wing “traditionalists” who won and the “center” majority who lost remained within the movement.

Clearly, however, those who have opposed the admission of a woman rabbi to the Assembly have won only a pyrrhic victory, for the trend is unmistakable. A survey taken in November 1979 disclosed that, at that time, 47% of the Conservative rabbinate favored women rabbis and 45% were opposed. In April 1983, 74% of the members present at the convention voted for the admission of women to the Conservative rabbinate.

The signal sent by the Rabbinical Assembly to the Seminary faculty was clear. In the spring of 1983, Chancellor Cohen announced that he would present the issue at a faculty meeting on October 24, 1983.

With the advent of the Jewish year 5744, in the fall of 1983, the agitation on the issue of the ordination of women gathered intensity. A group of rabbis and laymen opposed to the idea organized a Union for Traditional Conservative Judaism. In large advertisements appearing in the Anglo-Jewish press in the United States and Israel, they invited all who agreed with them on such issues as the authority of the Halakhah, the centrality of the family, and the importance of Kashrut and the Sabbath in Conservative Judaism to join their ranks.

Generally, their advertisement was flanked by another carrying the names of five members of the Talmud department of the Seminary faculty. This advertisement called for a rejection of women’s ordination in the name of obedience to a *psak* decision rendered by the late Professor Saul Lieberman, one of the giant Talmudists of the age, who had been professor of Talmud at the Seminary until his lamented death a year and a half ago. According to some reports, the decision was embodied in a letter simply setting forth opposition to the idea. According to others, his *psak* contained citations from halakhic sources, from which he deduced that women’s ordination was forbidden. It was also rumored that Professor Lieberman had explicitly forbidden the publication of his statement. What is indisputable is that, up to now, this *psak* has not been published and has, therefore, not been subjected to the normal study, analysis and criticism which is the lifeblood of the halakhic process.

As the date of the meeting drew near, it was rightly felt that the rab-

binical students at the Seminary ought to be enlightened on the issues involved. Sessions were arranged for them to be addressed by members of the faculty on both sides of the question. By and large, these sessions helped to shed light on the complex of issues involved — halakhic, ethical, pragmatic, psychological and perhaps even economic.

Finally, the date of October 24, 1983 arrived, and the faculty meeting was duly convened. After extensive discussion, the question of whether women should be admitted to the rabbinical program at the Seminary was put to a vote and was adopted, 34 to 8, with one abstention.

Throughout the years, while the issue was being debated, the proponents of women's ordination had never threatened to bolt the movement, though they were unable to carry the day for the position which they believed to be traditionally sound, ethically just and pragmatically necessary. It is profoundly to be hoped that those who are sincerely opposed to the ordination of women will display the same breadth of view and sense of comradeship with those on the other side of the question. Undoubtedly, the new step will create new problems and stresses that will need to be addressed. But all of those truly committed to Conservative Judaism should recognize that the body of ideals, attitudes and practices that they share with their colleagues are far more important than the issues on which they differ.

If history is any guide at all, it is clear that this move, important as it is, will prove neither as world-shaking as its proponents believe, nor as catastrophic as its opponents maintain. Similarly, the introduction of women's suffrage and the increasing election of women to political office in the United States did not transform the character of politics in America. So, too, the ordination of women in the Conservative movement, however welcome this accession of new strength and idealism may be, will not drastically transform the character and function of the rabbinate. The presence of ten, twenty or thirty women in the membership of the Rabbinical Assembly, now numbering over a thousand, will not tear the movement from its traditional moorings. Obviously, no congregation will be compelled to accept a woman rabbi against its will.

One important by-product of women's ordination will be the beginning of the end of the psychological reign of terror exerted by contemporary Orthodoxy over some rabbis and laymen in the Conservative movement. A major step will have been taken to overcome the legacy of inequity which past generations have perpetuated through the concept of male supremacy and female inferiority. By this act Conservative Judaism will have demonstrated that the Jewish tradition is truly viable and as sensitive to human needs and aspirations in the present as it has been in the past. Above all, the ordination of women in Conservative Judaism will testify to the determination to press forward toward the fulfillment of the great command in the Torah, "You shall do what is good and right in the eyes of the Lord" (Deut. 6:18).

Creation in God's Likeness

DAVID ARONSON

THIS IS NOT A HALAKHIC RESPONSUM ON THE question of the ordination of women.¹ It is the writer's view that both the seriousness of the question and the exigencies of the times require that this question, with its wide implications, be decided as a *takkanah* rather than a mere reinterpretation of this or that halakhic statement. A *takkanah* means new legislation that often suspends, extends, modifies or even abrogates previous legislation or customs relevant to the question. *Takkanot* represent an established legal instrument which guided Jewish life throughout the centuries.²

The question of the ordination of women first came upon the agenda of the Jewish community in 1921 when a young woman studying at the Hebrew Union College in Cincinnati applied for ordination. While many of the Reform rabbis were said to favor it, her request was turned down by the lay board of the Union of American Hebrew Congregations which had the ultimate power of decision. In keeping with the general attitude of the Reform movement of the time, these laymen were undoubtedly not moved by any halakhic considerations. They simply expressed the prevailing attitude of men that the place of woman is in the home, and certainly not in such a public position as a pulpit.

In the relationship of the sexes, the human is unique. The mating of the other creatures is limited to a fixed time of the year, and is an instinctive reaction to that natural law. After the breeding season some stay together in pairs, some in herds sexually indifferent to each other. They are not endowed with the power to choose or change their behavior in this respect. Not so the human creatures. Their sexual activity and subsequent

1. My views on some of the halakhot on the woman's role and rights appear in "Women's Position in Israel," *The Jewish Forum* (Aug. & Oct., 1922); "Kedat Moshe Ve'Yisrael," *Rabbinical Assembly Proceedings* — 1951; "Women in Jewish Life and Law," *The Jewish Spectator* (Summer, 1979).

2. Talmud students will find a comprehensive study of the *takkanot* recorded in the Talmud in Moses Bloch's monumental work, "*Sha'arei Torat Ha-Takkanot*." Solomon Zucrow, in his "Adjustment of Law to Life in Rabbinic Literature," gives examples of both Talmudic and Post-Talmudic *takkanot*.

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breeding are not limited to fixed seasons of the year, but continue throughout the year. Hence the male and female live together all the time, and thus the institution of the family was established. The physically stronger partner, however, was not always satisfied with one female and he tried to capture more. When he could acquire another, polygamy developed. In almost all societies the male dominated the family and the female was subservient because she was dependent on him. With very few exceptions this relationship continued throughout history; in a great part of the world it is true today.

In our Jewish tradition the record is not much different. In the early tales which preceded the appearance of the Jewish people on the world scene, a moral explanation is suggested for the status of the woman. Eve yielded to the arguments of the *nahash* (snake) and not only ate the forbidden fruit but also tempted Adam to violate the first commandment given to him. As a result, the woman was cursed by God — “In pain you will bring forth children; and your desire shall be to your husband, and he shall rule over you” (Gen. 3:16).

The occasional references found in the Bible indicating the position of the woman do not indicate that she was afforded a position of dignity equal to that of the man. Consider Abram’s request to Sarai to identify herself as his sister rather than as his wife in order to escape personal danger when they were in Egypt, and look at the situation which followed (Gen. 12:11-20). When a similar incident was faced by Isaac while he dwelt in the land of the Philistines, he, too, tried to protect his life by identifying Rebecca not as his wife but as his sister (Gen. 26:6-11). The cruel treatment of Leah by Jacob and of both Leah and Rachel by their father, Laban, all dramatically recorded in Genesis, indicates the subservient status of women in those early days (Gen. 29:16-30).

The Torah at Sinai presented Israel with a code morally far above that of the surrounding nations, and some of its lofty principles have still not been implemented in the world to the present day. However, — *dibrah Torah bileschon b’nai adam* — the Torah speaks in human language.³ It projects institutions and a way of life that could be understood by the generation to whom it was presented and could be applied to various geographic, economic and political conditions. The psychological and pragmatic principle enunciated by the sages of later centuries that “One should not impose a decree on the community which the majority will not be able to tolerate”⁴ was definitely inherent in the legislation of the Pentateuch.

The Torah does not discuss many everyday practices and standards which were considered quite acceptable in the minds and mores of those centuries. It legislated some protection for slaves but did not prohibit the institution of slavery. If this is shocking to the modern person unfamiliar

3. Talmud, *Berakhot* 31b.

4. Talmud, *Baba Kama* 79b.

with history let him remember that it was 1865 before slavery was prohibited in the United States.

The Introduction to the Torah legislation — the Book of Genesis — declares that all humans are created in the image of God (Gen. 5:1-2). There is no racial or sex discrimination in that statement. But although the female, like the male, is created in the image of God and, therefore, by implication, her life is also sacred and she should be treated with dignity and respect, the Pentateuchal legislation does not prohibit polygamy. It is obvious that in a society where polygamy is permitted, the claim to equal rights for women is hardly conceivable. That was the situation for many centuries in the world as a whole, and its full impact can be seen even today in those countries where Islamic religious law is the law of the state.

In the Pentateuch there is no direct legislation regarding *divorce*. There is only one reference and all that it tells us is that a divorce requires a public and judicial procedure — that there must be a legal document recording it (Deut. 24:1-4). This is a great step forward from the prevailing custom of those days (and which is still sufficient, according to the laws of many countries, whereby a man may open the door and tell his wife to leave). There is no record in the Pentateuch of a woman divorcing a husband. There was no need for such a law at that point in history, since it just was not part of the conditions of life. In the absence of any reference in the Pentateuch that a wife may divorce her husband, the ancient practice continued that only the man could initiate proceedings and, when he did, it had to be of his own free will.⁵ Nevertheless, the fathers of the halakhah did not hesitate to modify this law to force the husband, under certain conditions, to grant a divorce.⁶ “The court uses coercion until he says ‘I am willing.’” This in spite of the fact that the Biblical law was assumed to be that “If she was divorced against his will, the divorce was invalid.”⁷

The Talmud explains this deviation from the Biblical law on the ground that “It is obligatory upon a Jew to obey the words of the sages.”⁸ When the teachers felt that there were conditions where it was unjust and cruel to retain the old halakhah, they changed the directives and observant Jews were obliged to heed them.

In Israel today, where the laws of divorce are delegated by the State to rabbinic courts, a man who refuses to grant the *get* (divorce) to the woman when the Bet Din (court) finds her demand justified is imprisoned for contempt of court and stays confined until he changes his mind.

What is to be done in countries where the majority of Jews live under a government that does not grant the rabbis the authority to force a man to give his wife a *get*? Halakhic responsa on the subject are available.⁹

5. *Gittin* 49b.

6. Talmud, *Baba Batra*.

7. Maimonides, *Hilkhot Gerushin*, Chap. I.

8. Talmud, *Baba Batra* 48a.

9. See, among others: Eliezer Berkovitz, “*Tenai B'Nesu'in Uv'Get*”, 1966 and Louis Epstein,

In the 1950s, Prof. Saul Lieberman, of blessed memory, proposed a *takkanah* (amendment), adopted by the Rabbinical Assembly, which incorporates in the *ketubah* (marriage contract) language effectively compelling the husband to submit himself to the authority of the Bet Din if the wife desires a *get*. Before the adoption of this *takkanah*, the Rabbinical Assembly had approached Orthodox leaders, inviting their cooperation in formulating the procedure. The latter refused, and issued a press release condemning the new *ketubah* as a violation of Jewish tradition and urged all "Torah-true" Jews to refrain from using it.

While there was no certainty that the civil court would uphold an agreement incorporated in a religious document, it was effective in many cases. No one challenged it in court until recently, and then the New York State Court of Appeals upheld the position that the civil courts could compel the husband to appear before the Bet Din if he had used the new *ketubah*.¹⁰ It is interesting that the Union of Orthodox Jewish Congregations and the Rabbinical Council of America both participated in the case on the side of upholding the *ketubah*. Thus, a *takkanah* introduced by the Rabbinical Assembly has finally won the support of the rabbinic leaders of Orthodoxy. Is it unreasonable to hope that some of the Conservative rabbis who object to the ordination of women may also come to see the light?

We stated earlier that the Bible does not prohibit polygamy. Neither does the Talmud. However, in the 11th century, Rabbenu Gershom of Mayence, known as the "Luminary of the Exile," issued a *herem*, a ban, against polygamy and against divorcing a wife without her consent. This became the law accepted by all Ashkenazic Jewry. The Sephardic Jews — those who lived in Islamic countries — did not accept this ban, and not until the rebirth of the State of Israel did their rabbis agree not to officiate at polygamous marriages. It is noteworthy that the ban was originally issued in Christian countries where monogamy was the rule of the general population.

Now that we have established that the *takkanah* has historically been used in situations dealing with the status of women, let us turn to the question of the ordination of women as rabbis. According to the halakhists, the main objection is that a rabbi often acts as a judge and, according to Talmudic law, one who is not qualified to be a witness cannot be a judge and a woman cannot be a witness. What can we say of the Biblical record that a woman, Deborah served as a judge for many years?

Let us not be harsh with the viewpoint of our teachers two thousand years ago. Consider the group of brilliant men who met in Philadelphia in 1776 to frame the Declaration of Independence. They started with the principle that "all men are created equal." Many of these framers owned slaves and, doubtless, there were slaves serving them even as they were

"*Li-She'elat Ha-Agudah*", 1940.

10. New York Times, Feb. 15, 1983.

discussing the Declaration. Were the fathers blind or hypocritical not to notice the contradictions? The fact is that they were conditioned to look at slaves as property. Did the phrase "all men are created equal" imply equal rights for women? No. Women in the United States did not have the right to vote until the 1920s. In the 1980s, the demand for full equality in every activity and field of endeavor in society is still under discussion. We are all victims of our conditioning, and we are not justified in assuming that the status quo at any given time is necessarily the will of the Creator.

Reference was made above to Eve's punishment which has conditioned our state of mind through the centuries. Let us examine the text: "I will greatly multiply your pain and your travail; in pain you will bring forth children; and your desire shall be to your husband, and he shall rule over you." Is there anyone who believes that it is sinful, or a violation of tradition, for a woman to avail herself of the progress in medicine to ease her labor pains?

What about the punishment imposed upon Adam? "And unto Adam He said: . . . 'Cursed is the ground for your sake; in toil shall you eat of it all the days of your life'" (Gen. 3:17). But farther on in Genesis we read that, in the ninth generation from Adam, a child was born to Lamech. And Lamech called him Noah, "the reliever" for "this one will provide us relief from our work and from the toil of our hands, out of the soil which the Lord placed under a curse" (Gen. 5:29). In his comment on this verse, Rashi quotes the following statement: "Until Noah came, people had no agricultural instruments and he invented some tools to relieve their toil." Was God displeased with Noah for removing from the descendants of Adam the curse laid upon their ancestor? On the contrary! The Torah tells us that "Noah found favor in the eyes of the Lord" (Gen. 6:8). Divine favor may be awaiting the rabbis who, Noah-like, will remove the curse of their subservient status from the descendants of Eve.

The tradition regarding the position of woman in the halakhah is as subject to change as are other *halakhot* both Pentateuchal and Rabbinic. Our *Torat Hayim* — our living Torah — cannot be, and never has been, static, disregarding the relevant changes that time brings.

Rabbi Janai said:

Were the Torah given as a fixed, rigid immutable code of laws, there would be no cause for holding court and passing judgment. . . . Moses exclaimed, "O Thou Lord of the Universe, inform me what is law." To this exclamation he received the answer, "There is no fixed law, only rule by the principle of majority," so that one on trial is either condemned or acquitted according to this decision. Thus the law will be explained now one way, now another, according to the conception of the majority.¹¹

The Talmud is replete with such examples, many of them relevant to the changing status of woman. As was pointed out above, the *ketubah* was

11. J.T., *Sanhedrin* Chap. IV, *Hal.* 1.

introduced to protect her, giving her some economic protection in case of widowhood or divorce. The power of a Bet Din to force a reluctant husband to give a *get* to his wife under certain conditions is another example. The *herem* of Rabbenu Gershom on polygamy is still another. Today, few, indeed, would question the right of a woman to study Torah and the responsibility of her parents to provide such an opportunity. Yet the matter was debated by the teachers in the second century of the common era. Women students at the Jewish Theological Seminary may elect to study the same subjects as do the men. The question on the agenda is whether these women, upon completion of such studies, are entitled to ordination. The challenge of the radically changed ethical standards of our day, recognizing the just claim of women to equal rights, make a discussion of the details of the traditional rules restricting women's rights quite irrelevant. To argue that today's women are less qualified than men to act as witnesses is absurd. The old rules simply have no basis in reality in either the Jewish or the general society of our day.

Instead of pursuing an inexhaustible or a prolonged process of interpretation and reinterpretation of the previous restrictions which had been imposed upon the woman, let us present the ordination of women as a *takkanah* required by the ethical standards of our day. Tradition never limited the authority to make *takkanot* to any moment in history. On the contrary, it is the right and responsibility of every generation of rabbis when the needs of the time require it. Tradition teaches us that while previous scholars should be consulted, they have no veto power.

In Deut. 17:8-9 we read: "If the case is too baffling for you to decide, you should appear . . . before the judge who shall be in those days." The last words "who shall be in those days, *asher yih'yeh bayamim ha-hem*," seem to be unnecessary. To whom can you bring a case except to a judge alive in your day? The Tanna'im, master builders of rabbinic Judaism, gave an explanation which emphasizes a rule in judicial authority. "Even though the judge of your day is not as eminent as other judges before him, you must obey him for *ein lekha ela shofet sheb'yamekhah*, you have none else but the judge who lives in your day."¹²

In our day, if there is a case which involves more than the opinion of an individual rabbi, he should submit it to the superior authority available to him — the Convention. This has been the tradition of the teachers during the creative period of the development of the halakhah. "Though many rabbinical opinions differ radically, nevertheless, they are all inspired by the living God. *Eilu v'eilu divrei elohim hayim*."¹³ All sincere search for truth (and justice) expresses the will of God.

Insights by teachers and the common sense of the people eventually arrived at a unified standard or, at least, the acceptance of differing points

12. *Sifrei* on verse.

13. *Erubin* 13b.

of view. As examples we may point to the ban on polygamy, the excommunication of the Hasidim by the rabbis who were headed by the Gaon of Vilna, and the recent support in the courts by Orthodox rabbis of Rabbi Saul Lieberman's *ketubah*.

In the study of any halakhah in the ethical or moral field we must always keep in mind the guidelines of Rabbi Akiba and Ben Azzai regarding the *klal gadol baTorah*, the fundamental and all-embracing principle of the Torah. To the question "*Eizeh hu klal gadol baTorah?*", which is the most fundamental principle of the Torah, Akiba pointed to the verse in Leviticus, "*Ve'ahavtah l're'akhah kamokhah*, love your neighbor as yourself" (Lev. 19:18). Ben Azzai said that there is a principle even more fundamental expressed in Genesis 5:1-2 "This is the book of the generations of Adam. In the day when God created Adam *bidmut elohim*, in the likeness of God created He him, male and female created He them, and blessed them, and called *their* name Adam . . ." *Adam* means human, referring to the female as well as the male. Both were created in the image of God.

Note that Ben Azzai's statement does not offer a different opinion but, rather, gives substance to Akiba's statement. Loving one's neighbor as oneself has neither spiritual nor moral significance unless one knows who he is, himself, and what he considers the meaning and purpose of his life to be. As a matter of fact, Akiba readily accepted the supplementary explanation of Ben Azzai for it was Akiba who is quoted as saying: "Precious is Adam, for he was created in the image of God; but it was by a special love that '*Noda'at lo*' that it was made known to him that he was created in the image of God."¹⁴ According to the Biblical verses the woman, too, is created in the image of God. Therefore, she may not be kept in a subservient position and treated as a minor whose testimony is not to be accepted and, ipso facto, not be qualified to act as a judge on a Bet Din. Moreover, she has become aware of the fact that she, too, is precious in the sight of God and she justly demands equal rights and responsibilities. We are living in a time when we may well say: "Precious is woman, for she was created in the image of God; she is especially precious because '*noda'at lah*,' she has become aware of it."

The civilized world has come to recognize this fact and is gradually eliminating all regulations and practices which restrict her rightful role. We Jews must not allow our ethical and moral standards to be lower than those of the society around us. The Talmudic principle, mentioned earlier, that in moral and ethical areas there may be nothing which Judaism permits and the teaching of the neighbors prohibits, should serve us as a guide. Not only may our ethical and moral standards not be lower than those of our neighbors, but, as a "light unto the nations" we must ever search for higher and higher standards, that other peoples will say of us "what a great nation is there, that has statutes and ordinances so right-

14. *Avot*, Chap. III: Mishnah 18.

eous" (Deut. 4:8). It is a *hillul ha-Shem*, a desecration of the Divine Name, for us to disregard this responsibility, especially as we live today in the midst, and are part, of the open society.

Moreover, a great historic event occurred in our day and we cannot and may not ignore its consequences — Medinat Yisrael reborn. It is governed by a Knesset consisting of parties with differing opinions. In that Knesset, a woman was elected Prime Minister, and the Religious Parties did not resign from the Knesset though they doubtless disapproved of a woman occupying such a high position in government. Thus, Medinat Yisrael recognized the right of a woman to sign a Declaration of War or Peace but, obviously, Golda Meir's signature on a *ketubah* would still not be accepted. It is a standard both untenable and irrational.

The deeper insights into the meaning of a human created in the image of God, the changed attitude of the civilized world toward the position of women, and her emerging role in Medinat Yisrael — all these have made it imperative for us to make a *takkanah* to grant qualified women ordination as rabbis with all the traditional authority inherent in this title. It is not only a *mizvat aseh she-hazman gerama* — a positive commandment contingent on the time — but it has become urgent by the spirit of our time. It is a *takkanah* long overdue.

Some Problems Ahead

DAVID M. FELDMAN

ABOARD THE AIRLINER FLYING BACK HOME from the 1979 Convention of the Rabbinical Assembly in Los Angeles, I reflected on the passionate pleas made there by some of my colleagues on behalf of the proposal to ordain women in the Conservative Movement. They appealed to morality and justice, to equality of opportunity for women to fulfill themselves spiritually and professionally. The arguments tugged at the heart and I concluded, at that lofty altitude, that I should join hands with the advocates of this worthy proposal.

Arriving home, I came to my Synagogue in Brooklyn that Thursday morning, found myself the tenth to the Minyan, donned Tallit and Tefillin, led the congregation in prayer, and read the Torah portion. The dawn then struck: what, I asked myself, had I almost done? What was I about to agree to? As of now, women put on neither Tallit nor Tefillin, they do not serve as cantors or Torah readers, nor are they counted in the Minyan in many places. Aside from this last, the other practices are hardly widespread in our Synagogues and have, in any case, not been resolved by the Law Committee. How, then, could the Movement sanction so revolutionary a step? Unless our idea of the Rabbi is of one who teaches, preaches, and does pastoral work, to the exclusion of these ritual functions — or unless we have decided to abandon evolutionary Conservatism for revolutionary Reform — we cannot allow ordination of women in our Movement. To do so, it seems clear to me, would be to ride roughshod over several intermediary steps, and to flout the halakhic due process on the way; it would be to shrug at halakhic strictures, and leapfrog over the unresolved issues. Worse, to do so would be to resolve those issues forcibly and imperiously. It would not only accelerate the speed but pre-judge the direction in which these issues would ultimately be resolved.

Such a move can only be construed as an affront to rabbis and congregations committed to retaining traditional practices. Synagogues that follow the ritual and liturgical procedures of a traditional Sabbath Morning Service will find themselves out on a limb, forever having to justify an arrangement now implicitly rendered both out of step and out of favor. If the spiritual fountainhead of the Movement were now to declare that a woman can be ordained as a rabbi, then any congregation that declines participation of women on the Bimah — in a sincere attempt to preserve

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the traditional character of its worship services — will be made to look both reactionary and slow to learn, behind the times of today's world and blind to the example set by our Seminary as spiritual leader.

Then there are the problems for the woman herself. The position of traditional synagogues will have been made untenable by having placed the woman in a position which must be equally untenable. How can she, I ask, declare herself a "Conservative rabbi"? What will she be "conserving"? Since she will not be conserving traditional ritual and liturgical practice; since she will be standing in a position with no historical precedent; since she will necessarily represent not a recognized tradition but an abrupt departure therefrom, how can she call herself "Conservative"? Is this not a contradiction in terms from the standpoint of logic, and a confusion of soul from the standpoint of personhood?

That's why the halakhic issues are only part of the problem. Zacharia Frankel walked out of the Reform conclave in 1845 because the delegates proposed that praying be done in the European vernacular rather than Hebrew. The halakhah has no objection: we may pray in any language. But Frankel understood that this was a radical break with vertical and horizontal bonds, the connection to the past and Klal Yisrael everywhere. He wanted to maintain the extra-halakhic, if undefinable, historic character of Judaism, and came to help launch the Conservative Movement.

I don't think we have been committed to "conserving" just to be stubborn. We have conserved our Tradition because we see value and life-enhancing quality in both its content and form. A distinctive feature of this Tradition has been its sex-role division. But until the dust settles on the current feminist upheaval, which, we hope, will banish oppressive sexism but refine our appreciation of sex roles and family, we ought not be deprived of a re-enforcing model in a fragmented society. The Synagogue, the last bastion of Jewish moral and social teaching, should not join the surrender to that most unJewish and most untraditional heresy: that home and family are not primary.

If the decision to ordain does pass, new challenges will devolve upon the Right Wing within the movement. To avoid an actual split and to preserve our cherished pluralism and unity within diversity, we will, consciously, have to assert ideological independence from the Center and the Left. Only then will we be able to resist the subtle and unsubtle influences of a Movement turning officially and dramatically leftward.

But an equally great challenge will be to do what we should have been doing for some time now — namely, to help forge alternative modes of participation and leadership in the Jewish religious community, in harmony with existing or evolving halakhic norms and patterns of structure. Since being "plugged in" to traditional sources can be far more sustaining than being disconnected therefrom, apparent gains in liberalism or modernity notwithstanding, it becomes our task faithfully to preserve this way of life and creatively to make it more satisfying.

Will There Be Orthodox Women Rabbis?

BLU GREENBERG

I. The Disturbance.

SEVERAL MONTHS AGO, SHORTLY BEFORE THE Jewish Theological Seminary faculty was to take its historic vote, I received a phone call from a dear and longtime friend, a woman of good standing, reputation, and influence in the Orthodox community. "I just wanted to know how you feel about the ordination of women," she said. Detecting an edge in her voice, and not wanting to enter into a confrontation, yet not willing to tailor my response to her needs, either, I replied as softly and simply as I could, "Well, I feel quite favorable." Pause. "Aha," she said, "so you don't believe in *Torah min hashamayim!*" And the conversation went downhill from there.

On no other issue that I can remember have emotions run quite so high. Whereas the Orthodox community hardly took notice of the Reform ordination of women in 1973 or that of Reconstructionism in 1975, now the Modern Orthodox community, if not exactly abuzz, is certainly examining the issue from a sober, somber distance. After shul on the Shabbat following the vote, another friend approached me; with a twinkle in his eye, a grin on his lips, and an irony in his voice, he said, "The party line is this: the Orthodox will accept women as rabbis — when the Reform and Conservative ordain goyim."

The hostility is almost palpable. The issue has now moved one step closer to home, particularly so since the dissidents in Conservative Judaism are of similar, if not identical, bent, to the Modern Orthodox in their opposition to women's ordination.

Some in the Orthodox community view the matter as a logical extension of the various break-away steps of Conservative Judaism during the past thirty years: allowing women to read the Torah at services (1955); counting women as part of the spiritual congregation (1973); ruling by narrow majority in the Law Committee to allow women to serve as witnesses in matters of the bet din (1974). Ordination of women, then, was simply an inexorable move which further confirmed — that Conservative Judaism must be written off!

Others in the Orthodox community now view it as a disaster for Conservative Judaism, a move that will splinter the movement into liberal and

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traditional wings, with the dissidents falling into our arms. Indeed, Rabbi Soloveitchik has said that the RCA should accept the applications of those who voted against the measure, i.e., those who have done *teshuvah* regarding Conservative Judaism.

So the Orthodox community, by and large, is unalterably opposed to the ordination of women. Its opposition is expressed in terms of ruling and precedent, process and politics. The bottom line response is that “it is against halakhah for women to be given *semikhah*.” With that, I must concur: it is against halakhah, as halakhah, past and present, is currently interpreted by the leading Orthodox *poskim*.

II. *The Odyssey.*

Theologies are often colored by our personal experiences. Before dealing with the theoretical issues, therefore, let us trace for a moment the circumstances by which women who locate themselves squarely within the Orthodox community can come to view the matter of ordination of women favorably, and even dream of it ultimately taking place within Orthodox Judaism. It is instructive occasionally to reconstitute the events that carry us to a new place in our thinking. How have we reached the point where we question the adequacy of the response that “halakhah says you may not do this or become that, because you are a woman.” I have tried somewhat to locate the point at which I crossed the border from dutifulness and acceptance of givens to disagreement and chafing at the outer limits. I know not where that exact point is, but I can recall many moments of wonder, of questioning:

A. *The power of alternate models.* In 1972, I read an article about the forthcoming ordination of Rabbi Sally Preisand at Hebrew Union College. I was, to put it mildly, horrified. Someone had crossed the line. “It is against halakhah,” I argued. “Other things I can understand, but women as rabbis — never! There goes Reform Judaism again . . .” Startled by the whole matter, I followed her career with some curiosity. It was not distinguished, but it was not undistinguished either. It was exactly the same as that of any rabbi starting out in his chosen profession. I went from asking, “What on earth is this woman doing?” to, “What is she doing?” to “Why is she doing it?” to “Why not?”

My questions changed their nature and tone over the course of several years. I had to digest each new task that she, and then other female rabbis, were performing. Teaching, yes; but officiating at a funeral? Why would anyone want a woman to officiate at a funeral? I asked myself. Why would any family, in its moment of bereavement, break with tradition? It took me three years to understand that, to a family in a moment of grief, it does not matter whether the source of consolation and of Jewish communal representation is male or female. Officiating at services — I had

become adjusted to that for Reform Judaism, but to consecrate marriage? A stigma would forever be attached to this Jewish couple.

With great difficulty, I finally had to ask myself what was so terrible about a woman's being that she could not perform these functions? After all, performing marriage is a sacred function and not a sacramental one (such as the sacraments of Temple times performed only by men born into the priestly class). In fact, halakhah permits any lay Jew to perform these functions, such as marriage and funeral rites, as long as the proper procedures are followed. There is nothing intrinsic to the rabbinic role that a woman cannot do. Therefore, her exclusion was only a matter of gender, which evolved from a cultural rather than a religious base. The model of women rabbis taught me that perhaps the problem lay not with women but with community and its conditioning.

B. False aspersions on the class of women. [The domino theory of exemption.] One afternoon in the Spring of 1973, as I sat at my desk sifting through the mail, I came across a very moving monograph in which the eminent *posek*, Rav Yosef Eliahu Henkin, z'l, was memorialized on the occasion of his fifth *yahrzeit*. The piece described his erudition, his depth of understanding of halakhah, and his sensitivity towards human beings. Suddenly, a passage leaped out at me. "He had great patience for the questions of the plain folk and the women." While it would be unfair to say that the great Rav Henkin felt this way, here it was, in 1973, with women as Presidents and Prime Ministers and bankers, philosophers, scientists, professors, lawyers, doctors, that an Orthodox writer could still be talking about women and their *veiberische* questions. A whole class of simple-questioned women! The writer and his readers would be convinced otherwise only when women stood among them as equals.

C. Insights of the unconditioned. One evening, as I sat in usual attendance while my then seven year-old took her nightly bath, I heard a most uncommon thought pass her lips. She was musing about what she might become as an adult. "... maybe I'll be a rabbi, or maybe Golda Meir, or maybe [I must admit it] Cher." And, in an instant, she was on to something else. Where ever did she get the idea that she could be a rabbi?, I silently wondered. Certainly not from her parents or siblings, who had not yet heard of women rabbis. Certainly not from her grandparents, all rabbis and wives. Certainly not from the several generations of male rabbinic models before them.

Never since has she mentioned that option again. I think I know why. At age seven, and partly a product of Free-to-be, she sought the most exciting models in her life; among them her father, a rabbi. Some time thereafter, she was undoubtedly socialized to a different reality, to different expectations. Meanwhile, she had afforded me the challenge of surprise.

D. The compatibility of women and Torah learning. Whosoever has not witnessed *tikkun leil Shavuot* in the holy city has not seen joy in his lifetime

... I have seen such joy. In 1981, I happened to be in Jerusalem during Shavuot. At 4:00 A.M., just as the sun was beginning to rise, Jerusalemites young and old, Jerusalemites by the thousands, came out of the darkness of night to gather at the *kotel* for *Shaharit*. In the crowd of women on my side of the *meḥīzah* was a most impressive group — a very new group, as Jewish history counts time. Numbering at least five hundred, they were young women in their late teens and early twenties who had come to spend a year in Israel in pursuit of Torah knowledge. They were students at the dozen or so institutions in Israel dedicated solely to the advancement of women in higher religious education — Mikhlahah, Makhon Gold, Brovender's, Ohr Sameah, to name but a few. Like their male counterparts, the primary purpose of these young women for being in Israel was *Torah lishmah*! All of those I spoke to on that early morning, and presumably all the others there, had spent the night in learning. Would any of the rabbis who instruct them, or any of the parents who sent them, or any of the students or children whom they will someday teach, say of them, "*Nashim daatan kalot*" (women are light-minded)?

As I talked with them, I thought of Nechama Leibowitz, the preeminent teacher of *Tanakh* now instructing a third generation of students in Israel. I thought of the young children at my local day school, SAR Academy in Riverdale, and at Ramaz High School in Manhattan where girls were studying Talmud exactly and as well as their brothers. I thought of Judith Hauptman, perhaps the first woman to teach Talmudic law since the time of Beruriah. As I looked at these beautiful, spirited, devout young women, I wondered to myself: who among them will make Talmud Torah her life's work? How much longer before one of them amasses the knowledge equal to that of a *gadol hatorah*?

III. *Women and semikhah — creating the model/a conceptual framework for reinterpreting the law.*

To say that it should be thus and so, simply because one wants it or likes it or deems it to be possible, is to be downright silly about such weighty matters. It is also to ignore several thousand years of tradition and legislation regarding male exclusiveness in the pursuits and fruits of Torah study. Therefore, and inasmuch as all of halakhah is understood and interpreted in a theoretical/theological framework, let us attempt to construct a model whereby women can be mainstreamed into the rabbinic enterprise.

A. *Searching for a principle of sexual equality in Judaism.* One doesn't have to search very far. The basic principle, to be found early in Scriptures, is that each person is created in the image of God (Genesis, 1:26). Male and female, species specific, but each in the image of God. Distinctive, yet equal. How does this distinctiveness manifest itself? Primarily through biology, but also through definitions of role and function

which are largely determined from a social context, and not out of divine necessity.

Another source for understanding the essence of the human being comes to us in the form of an admonition to witnesses who will make life and death judgments about their peers:

You must know that his blood (the person to be executed) and the blood of his posterity will be at his door to the end of the world . . . Therefore was a single human created first a) to teach that if anyone destroys a single soul from the children of Adam, Scripture charges him as if he had destroyed a whole world . . . b) [to teach] that no one may say to another, "My ancestor was greater than your ancestor . . ." c) [to teach] the greatness of God . . . for man stamps many coins with one die and they are alike, but God . . . has stamped all mankind with the die of the first man yet no one of them is like any other (*Sanhedrin*,4:5).

Thus, we learn that each person, male and female, is of infinite value, is equal to every other, and is unique.¹

Sexual hierarchy, which includes closing off access on the basis of sex, is not the preferred model. To the extent that it appears in Scriptural sources, it is given in the form of a punishment: "*Vehu yimshol bakh*" (He shall rule over you) (Genesis 3:16) is the curse placed on woman when banished from Paradise. It is a symbol of the brokenness and unfinished nature of the world, not something to be glorified.² Original sin is not a staple of Jewish theology; we can learn from the text on hierarchy-as-punishment that the ideal state is equality and that, as Jews, we continually move toward it until it will be fully realized in the messianic age.

Distinctiveness of species, yes; but not hierarchy of social function. Biological uniqueness of male and female, yes; but not discrepancies in mental or emotional capacity. That does not mean that every non-biological role and function must be identical for male and female, but it does mean that the global distinctions, such as men/learning/prayer and women/*niddah*/*hallah*/*nerot* are far too broad as categories.

B. *VeTalmud Torah kneged kulam* (*Peah* 1:1). There is, indeed, no measure to the value of learning. Learning, Jewish scholarship, is the great pride, the unique and primary characteristic of a Jew.

What about women and learning? A spotty history! Women were excluded from the arena of knowledge; they were not welcome in the *bet midrash*. They knew nothing of the inner workings of rabbinic texts. There is not a female name among the *rishonim*, *aharonim*, compilers of codes, *teshuvot*, works of halakhah, *aggadah*, and *mussar*. To our collective pride, the list is very long! But it is not the product of a "collective genius . . . but rather the collective half-genius."³

Why is it, one wonders, that women were excluded from the compel-

1. See Irving Greenberg, "Dialogue on Creation," 92nd St. Y tapes: October 19, 1983.

2. Ibid.

3. See Cynthia Ozick, "Notes Towards Finding the Right Question," *Lilith* (Fall 1981).

ling mizvah of Talmud Torah? Why is it that the entire female class was disconnected from the basic nurturing source of the Jewish soul? One must consider all possible reasons:

1) Is it because Talmud Torah is a positive commandment that must be performed within a limited period of time and, therefore, falls within the general exemption of women? No, for the mizvah of Talmud Torah is open-ended: "And you shall study it day and night" (Joshua 1:8).

2) Is it because the Torah teaches us *veshinantam levanekha* (Deuteronomy 6:7), on which the Rabbis expound, "to your sons and not to your daughters" (*Kiddushin* 29b)? I would submit that tradition interpreted Scriptures in that way because in every generation the Torah is interpreted in the light of historical conditions. Indeed, the Torah intentionally addressed human beings in a manner appropriate to their condition. Perhaps that is the ultimate meaning of *dibrah Torah bilshon bnai adam*. It is an expression both of God's love for humanity in its limited condition and of God's role as master teacher.

A clear case in point of the arbitrary nature of the scriptural peg is that elsewhere — many elsewhere — *banim* is interpreted as children, and not as only one-half of the children of Israel. Perhaps the gloss should now read, "to your sons and not to your daughters, in that time and not in this time."

3) Is it because the whole class of women was deemed incapable?⁴ An absurdity! Then, as now, women were blessed with mental capacity and mental energy equal to that of men. Then, as now, all was understood at some level that it was a myth, a non-corroborative, self-reinforcing myth that led nowhere.

4) Is it that the pursuit of Talmud Torah would conflict with women's household and nurturing duties? Perhaps so. But we now understand that, with greater longevity and proper training, women can raise families and also do many other meaningful things in their lifetimes. Just because a woman opens her mind does not necessarily mean that she must shut her womb. Talmud Torah as a lifelong "profession" for women would be no more dangerous to the Jewish family than would be medicine, law, or a host of other choices which are now accepted even in the most traditional sectors, including those where women work in order to enable their husbands to learn and to teach Torah.

5) Is it that Talmud Torah breached the borders of *zniut*? Today, women are no longer contained in their homes, insulated from culture and society. Exposure to Torah learning is hardly likely to diminish their morality or their ethics.

6) Finally, there is one more question we must ask, relating to the exclusion of women from study of Torah. Is it that the great Jewish learning enterprise, in addition to being *Torah lishmah*, was, and also is, an

4. *Sotah* 3:4; *Kiddushin* 80b; *Shabbat* 33b; Maimonides, *Codes, Hilkhos Talmud Torah* 1:13.

access route, an empowering force to religious authority, to interpretive keys, to spiritual leadership — all of which were not to be placed in the hands of women because these were simply not roles considered proper for them? Opening the access route would have opened up the Pandora's box. So those who kept women apart from rabbinic texts made the correct tactical moves.

But now that the access route has been opened by dedicated *rebbeim*, learned teachers, and by the fine minds of women, it can never be closed again. Female compatibility with Torah learning, once established, can never be taken away.

C. *It goes without saying that semikhah is tied to learning.* It is not a physical appendage or sexual characteristic that earns one the title of *Rav b'Yisrael*. It is knowledge and piety; it is mastery of rabbinic texts and of halakhic codes.

Semikhah represents the great flowering of the merit system, from the days of the *Hurban* onwards. Up to the destruction of the Second Temple, the priests were the primary agents of ritual and religious ceremony. The Pharisaic revolution, which was increasingly consolidated after the *Hurban*, was one of the great transformations in Judaism. Religious leadership no longer depended on genetics but, rather, on ability. One had to earn, through scholarship and piety, the title of *Rav*. It was a symbol of the growing democratization of Jewish life. That principle — of merit over birth — ought now to be broadened to include all Jews.

D. *Constructing the model: let us combine the three concepts.* 1, The equality of male and female in the image of God, which means the equality of male and female in their potential to become more Godlike. This includes men as nurturers of children, and women as learners of Torah. 2, Understanding as Jews that the study of Torah is a high order of business for a Jew, if not the highest order in a variety of spiritual responses. For a variety of non-theological reasons, the whole enterprise was closed off to women through most of our history. 3, *Semikhah* is the recognition of accomplishment, of accumulation of knowledge and ability to handle rabbinic texts. It is a function of merit and not of gender.

A coalescence these three themes should lead us to a desire to compensate for past deprivation and fully to encourage women in Talmud Torah up to, and including, the formal recognition — *semikhah* — for those who achieve in this area.

IV. *The Process.*

In reading the adverse criticism on the Seminary vote, I could not help but note how much of it centered on the issue of process. The dissidents, as well as many in the Orthodox community, argued that the decision was made by majority vote rather than by rabbinic fiat of one

knowledgeable in Jewish law. As I listened to, and read, the debates, two rabbinic pericopes flashed into mind:

Once it happened that Rosh Hashanah fell on the Sabbath, and all the villagers gathered in Yavneh to hear the shofar. Rabbi Yohanan ben Zakkai said to the *B'nai Betera*, "Let us sound the shofar." They said to him, "Let us discuss the matter" [For the law was that if the New Year fell on a Sabbath, they could blow the shofar in Jerusalem but not in any other place.] He said to them, "Let us sound the shofar and afterwards we will discuss it." They blew the shofar, and then they said to him, "Now let us discuss it." He said to them, "The shofar has already been heard in Yavneh. After the fact it no longer warrants discussion" (*Rosh Hashanah*, 29b).

The second story is even more dramatic. Rabbi Eliezer ruled on a matter of ritual piety; the *hakhamim* disagreed. Though R. Eliezer brought proof from heaven and earth, he was, nevertheless, "outvoted." "The Torah is not in the heavens!" (*Baba Mezia* 59b). The ruling of those presumably less accurate and less knowledgeable was accepted.

This is surely not to compare the faculty of the Jewish Theological Seminary to the Sages of yore. It is, however, to point out that as far back as those more "sacred" times, Jews argued over alternate models of process.

Moreover, these two stories, and countless others, attest to the fact that process is not antithetical to halakhah. Halakhah is fixed, halakhah is revelatory, but it is also dynamic. Process, or the pattern of reinterpreting matters of ritual, did not end with the Talmud. Nor did it occur in a vacuum. The twelfth century winegrowers of Champagne, for example, were permitted dealings in what formerly would have been classified as *yayin neseekh* because Rashi and Rabbenu Tam understood that business considerations, the "felt needs of the times," were not to be ignored in interpreting and re-interpreting ritual law.⁵ If the law could be reinterpreted for business reasons, how much more so for ethical considerations in our day?

In the Orthodox community, the ordination of women is not perceived as an ethical issue, largely because the majority of women do not feel that way. But with time, and with increased education, it will not be long before women will understand the enormity of their deprivation for all these centuries past.

In truth, we can almost set aside the issue of process for it is well underway as regards women's experience in the obligation to study Torah. From Rabbi Samson Raphael Hirsch to Sarah Schneier there was a quantum leap. From Sarah Schneier to our own day, another one. We see women learning as never before in the Orthodox community. Young girls study Talmudic texts in a way that was not done even a bare decade ago.

The question has been asked: "Should women recite the morning

5. Hayim Soloveitchik, "Can Halakhik Texts Talk History?" in *Association for Jewish Studies Review*, III (1978): 153-197.

blessing of learning Torah? Yes, is the halakhic answer.⁶ In a contemporary *teshuvah* regarding the permissibility of teaching *Torah she be'al peh* to women, a distinguished *posek* wrote. "Anyone who does not teach his daughter knowledge of God (*da'as Hashem*) . . . it is as if he is teaching her *tiflus* (lewdness, vacuity, trivia.)"⁷ The language is not an accident. With full awareness, Rabbi Zalman Sorotskin, *z'l*, thereby reversed the famous dictum of Rabbi Eliezer which undergirded the exclusion of women from learning for the past two millenia. There is no parent of a daughter in the traditional community who would any longer say ". . . only your sons and not your daughters." It seems but a matter of time that a woman, who is as well versed in rabbinic sources as a male who studies for the *be'hinah*, will say to herself, "Why not me?"

V. *The domino effect: women and ritual practice.*

In addition to argument about process, there is the objection to women's ordination on the grounds of attendant functions: women cannot serve as rabbis because they cannot serve as witnesses in marriage and divorce proceedings, because they cannot formally be part of public worship, because they cannot be liturgical leaders, because they should not overstep the boundaries of modesty . . . Indeed, these are questions that will arise in the future, just as we are now asking new questions about women and learning that would not have occurred to us a hundred years ago. Meanwhile, the issue of qualification is altogether separable from the issue of function. Function is dependent on community receptivity, whereas qualification and the official stamp thereof is dependent solely on a person's achievement, on one's expertise in Jewish law and rabbinic texts. There are countless men, perhaps the overwhelming number, who are ordained in the Orthodox community, yet do not perform any functions additional to those of their lay fellows. So be it for women.

VI. *Community.*

Nevertheless, community is a large and significant factor; not only the community of women with new ideas but the community in which we are nurtured and locate ourselves.

The accusation, or fear, that ordination of women is destroying Judaism, tinkering with halakhah, denying tradition, is not to be ignored, for it comes from those who love the tradition and who fear for its survival, not from those who want to abandon it. One must be sensitive to the fact that their pain and anguish comes out of a boundless desire to perpetuate *yiddishkeit* and not a simpleminded or regressive need to put women down. Still, their fears and even the divisiveness that these new

6. *Shulhan Arukh, Oraḥ Hayyim* 47:14.

7. Zalman Sorotskin, *Moznayim Lamishpat* #43 (Jerusalem, 1955).

moves will engender within the Orthodox community are not sufficient factors for holding women back. Therefore, I believe that women's ordination in Orthodoxy will continue to unfold in gradual stages. In the beginning, there will be the creation of institutions of higher learning for women to pursue parallel rabbinic studies. Two such institutions already do exist; one is Drishah, which has been functioning in New York City for several years, under the direction of Rabbi David Silber. There no one discusses ordination, though women are proceeding apace with their rabbinic studies. The second is a new yeshiva, to be opened in Efrat, under the aegis of Rabbi Shlomo Riskin. At Midreshet Lindenbaum, as it is called, women will have essentially the same learning experiences as do the young men in a *yeshivah gedolah*, i.e., the study of Talmud and post-Talmudic rabbinic texts as the major focus.

In the beginning, there might be the inclusion of women in existing programs of rabbinic studies for men, such as is the case at the Bernard Revel Graduate School at Yeshiva University. To date, no woman has majored in rabbinic studies, but by the time we reach the mid-eighties that, too, will surely be a reality.

Perhaps, when the Orthodox community has produced a well-learned and deeply pious woman, there will be a small cluster of rabbis who will be willing to ordain her, rabbis who will not be fearful of the opprobrium of their fellows. Similarly, the process of acceptance by community will take place in stages. The first woman ordained in the Orthodox community will surely not seek a congregational pulpit, for that would lead only to frustration. Until such time as the issues of women in witnessing or women in liturgical roles come under scrutiny, it seems highly unlikely that an Orthodox congregation would consider a woman for its religious leadership. Meanwhile, there are numerous other roles for an Orthodox female rabbi. The first steps might be as a teacher, a *rosh yeshivah*, or a rabbi of a women's tefilah group, or a position in the secular organizational structure that calls for the title of rabbi. Another milestone would be for a woman to write *piskei halakhah* and *teshuvot*. Perhaps all of these would take a generation; perhaps two or three. It would be a small price to pay for diminishing strife and making solid irreversible gains. I, for one, would be content to see the very first step — *semikhah* — taken in my lifetime.

Therefore, I believe that women's ordination will continue to unfold in gradual stages.

VII. *Conclusion.*

The task of those who propose an enlarged role for women, as well as those who will serve as models, is to communicate the real agenda of Orthodox women: that it is not a feminization of Judaism but a heightened Jewishness of females; that women are seeking greater access and

fuller entry into the religious and spiritual life of the community — and not the easy way out; that women who love the pursuit of Talmud Torah want to enter that world more fully; that encouraging women through ordination is ultimately building up the fund of knowledgeable, learned Jews in this generation and generations to come.

Will it happen in my lifetime? I am optimistic. At this moment in history, I am well aware that the Orthodox community would not accept a woman as a rabbi. Yet, we are moving towards a unique moment in history. More than any other, the Orthodox community has widely educated its women in Torah studies. Thus, though it rejects the formal entry of women into rabbinic studies, *de facto*, through the broad sweep of day school, yeshiva high school education and beyond, it has ushered them, as a whole community, into the learning enterprise. At the very same moment in time, Reform, Reconstructionist, and Conservative Judaism are providing us with models of women as rabbis. At some point in the not-too-distant future, I believe, the two will intersect: more learned women in the Orthodox community and the model of women in leadership positions in the other denominations. When that happens, history will take us where it takes us. That holds much promise for the likes of me.

In God's Image Was Humanity Created

ANNE LAPIDUS LERNER

THE ISSUE OF THE ROLE OF WOMEN IN JUDAISM is a touchstone of our Jewish times. It is an issue to which we all bring all our views on the nature of Judaism, Halakhah, ethics, society, division of roles and a host of other items. It is an issue which is both remarkably simple and wondrously complex at the same time. Finally, it is an issue which, at the present, seems to be largely an American one.

As a Conservative Jew, I support the ordination of women as rabbis, but my support has not been lifelong. It is a position which I have arrived at through a long process of study and development. As an adolescent who was particularly drawn to the study of Talmud and excelled at it, I was sometimes asked whether or not I wanted to be a rabbi. Though the question was always in jest, the answer was always a serious, heartfelt no. For I, as a traditional, *shomer Shabbat* Jew, knew with the certainty of adolescence that women could never be rabbis, that it must say so somewhere in the *Shulhan Arukh*, though, as it happened, not in any of the sections I had studied. Certainty is quite comfortable.

Then, for a long time, no one asked, nor did I ask myself. Nonetheless, as my knowledge and understanding of Judaism deepened, as I became aware that what made me a Conservative Jew was something other than the organ, choir, and mixed seating of my youth, I came to understand that Judaism is not monolithic, either in time or in place, that there have always been change and divergence within normative Judaism. I came to understand the halakhic process as a dynamic one which takes what God has given and works with it. It builds on older strata of biblical and rabbinic literature, but need not remain static. While this process does allow for change and development, they are to be introduced carefully and only when there is a pressing need for a change.

Despite all this, I am somewhat embarrassed to admit that it took the women's movement to make me realize that the role of women in Judaism is one of the matters which ought to be examined through the prism of halakhic development, that change in that role is both justifiable and acceptable within Jewish tradition. As an observant Jew, I was slow to realize that there was something wrong with a system which would not allow

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me to be counted in a *minyan*, while counting males who were only nominally Jewish. For all the verbiage expended in a vain effort to convince me and others that classical Judaism put women on a pedestal, I did know enough to realize that that pedestal, of whatever height, was located in some corner. Many avenues of religious expression have been closed to women. Those that remain open are often different from those of men. In the final analysis, separate is not equal.

Why is the public role of women in Judaism so limited? It is clear to me that one important factor was the position of women in society. For example, women are barred by the Halakhah from serving as witnesses on most issues. Could that ban possibly be independent of the position women occupied in the Jewish society of the rabbinic period? Perhaps women who had little or no public role would not make good witnesses. Perhaps the testimony of a woman was likely to be disregarded by men. While the underlying reason for the prohibition, as opposed to its textual source, may be irretrievably lost, it is probably connected in some way with the role of women in rabbinic society.¹ Similarly, the role of women in today's society is markedly different from what obtained in the rabbinic society of the second century. Halakhic means ought to be used to revise the religious rights and responsibilities of women in consonance with their new role and status.

The question of ordaining women is, in the public mind, the most extreme step in equating the positions of women and men in Judaism. Yet it is not as radical a step as it appears to be. The rabbinate in its current form is a fairly late development. No halakhic objection to women serving as rabbis appears in the *Shulhan Arukh* or in any other traditional service, for the question was never raised.² The problems are, as we shall see, in relation to having women perform functions ancillary to the rabbinate. It is clearly a change, a change which is viewed by some as a radical break with tradition; by others, as a long-overdue extension of the rights and responsibilities of Judaism to its women, the majority of the Jewish people.

The idea of ordaining women is older than is generally realized. It is not a product of the current women's movement. When Henrietta Szold

1. For the broad array of evidence demonstrating the impact of changed historical conditions and new ethical attitudes on the development of the Halakhah, see Robert Gordis, "A Dynamic Halakhah: Principles and Procedures in Jewish Law," (JUDAISM [Summer, 1979]: 263-282) and the ensuing symposium, "Jewish Law: Eighteen Perspectives," (JUDAISM [Winter, 1980]: 4-109).

The recognition that rabbinic rulings were not, and are not, generated by some computer-like process, but really textual justification for acting on a preconceived theology or worldview is reiterated in Louis Jacobs' "Halachah and history; separate realms, *Sh'ma* (13/258):124-125.

2. See Robert Gordis, "The Ordination of Women," *Midstream* (Aug.-Sept., 1980): 25-32, especially p. 28: "*The truth is that the Halakhah neither sanctions nor forbids the ordination of women — it never contemplated the possibility.*"

asked to study at The Jewish Theological Seminary of America in 1903 she was admitted to classes "only after she had assured . . . [the] administration that she would not use the knowledge thus gained to seek ordination."³ Thus, rabbinic ordination of women was not a complete impossibility in the first decade of the century. The issue of ordaining women may have first been positively stated in this country in 1922 when the Central Conference of American Rabbis passed a resolution declaring that "women cannot justly be denied the privilege of ordination."⁴ But at least two women were denied that privilege by Hebrew Union College, the Reform rabbinical school, in the 1920s and 1930s. It was only in 1972 that Hebrew Union College ordained its first woman rabbi.⁵ The Reconstructionist Rabbinical College, since its founding in 1968, has accepted women as candidates for ordination.

It is the Conservative movement which is currently engaged by this issue. At this writing the faculty of the Jewish Theological Seminary, which ordains Conservative rabbis, is about to vote on admitting women as candidates for ordination in its Rabbinical School. This is the culmination of a decade of debate within the movement. The issue was joined in the wake of both the appearance of *Ezrat Nashim*, a group of committed Jewish women who had undertaken a study of women's issues in Judaism, at the Rabbinical Assembly Convention in March 1972, and a *takkanah* by the Committee on Jewish Law and Standards of the Rabbinical Assembly in September 1973, allowing women to be counted in a *minyan*. In 1973, the United Synagogue, at its biennial convention, adopted a resolution on "The Role of Women," including this statement on "Admission of Women to the Rabbinical School of the Jewish Theological Seminary of America":

Recognizing the growing role of women in the life of our congregations, the United Synagogue of America, in convention assembled, wishes to note that it looks with favor on the admission of qualified women to the Rabbinical School of the Jewish Theological Seminary of America.⁶

Proposals to admit women to the Rabbinical Assembly and/or the Rabbinical School were raised, debated, and then tabled at the 1975 and 1976 Rabbinical Assembly conventions. At the 1977 convention, after the proposal of such a resolution, and debate on it, the Seminary's Chancellor, Dr. Gerson D. Cohen was asked to appoint a Commission for the Study of the Ordination of Women as Rabbis to investigate the matter thoroughly and to make its recommendation to the 1979 Rabbinical Assembly Convention. That Commission recommended, first to the Rabbinical Assembly and then to the faculty, that women be accepted as candi-

3. Susan Dworkin, "Henrietta Szold," *Responses* #18, p. 43.

4. Sally Priesand, *Judaism and the New Woman* (New York, 1975), p. 62.

5. Anne Lapidus Lerner, "'Who Hast Not Made Me a Man': The Movement for Equal Rights for Women in American Jewry," *American Jewish Year Book* 1977, pp. 17-19.

6. *Proceedings of the 1973 Biennial Convention of the United Synagogue of America, November 11-15, 1973*, pp. 108-109.

dates for ordination in the Rabbinical School. The Seminary Senate, on December 20, 1979, voted to table a resolution following that recommendation. At the Rabbinical Assembly convention in April 1983 only three or four votes were needed to constitute the requisite 75% of the plenum in favor of admitting to membership a woman who had been ordained by Hebrew Union College. Clearly, ordination of women has now preoccupied the movement for a decade.

This issue has been unusually difficult to resolve because of the unique nature of Conservative Judaism. The movement's commitment to historical Judaism, to a perception of Halakhah as dynamic, is in constant tension with its commitment to upholding Halakhah. Defining the limits of change is always difficult because there is fear that any change will have a domino effect — that lines cannot be drawn defining what is mutable and what is not. But lines *can* be drawn. In a case like this, where a broad ethical principle comes in conflict with relatively specific halakhic issues whose scriptural basis is tenuous and where a great deal of human deprivation is the result, we ought to seek the halakhic means to change.⁷

It has been argued that anyone who brings to the consideration of a halakhic issue a personal sense of morality is introducing factors which are outside of, and, therefore, inimical to, the divinely ordained system of Halakhah. This is a distinction which I do not accept. We are not so compartmentalized that we can study and follow Halakhah with one part of our being and develop an independent sense of morality with another. Morality is developed in conjunction with Halakhah. Our own sense of morality, however imperfect, is what we have to work with. If it tells us that it is wrong to limit the religious expression of the majority of the Jewish people, then we are obliged to listen to that moral sense which is also of divine origin. A Conservative approach to Halakhah allows, perhaps even requires, one to bring to bear moral, sociological, historical factors.

What my moral sense requires is removal of the rabbinic limitations of women's religious activity. This is justified in terms of today's society. The woman of today is different from the woman of the second, or even the nineteenth, century. In polite company, at least, women's religious or intellectual capabilities are no longer called into question. Due to a longer life expectancy, lower birth-rate and lower infant mortality, childbearing and nursing no longer occupy as large a portion or proportion of a woman's life. "Parenting," involving both parents, is replacing "mothering" as a description of the child-nurturing role. Women hold high positions in virtually all areas of public life. Their goals, like those of men, include careers of service to God and fellowpersons.

The women who are eager to become Conservative rabbis are different in religious terms as well. They are learned, even in areas like rabbinics. Many are willing, even eager, to assume the religious responsibilities

7. Cf. Eliezer Berkovits, *Crisis and Faith* (New York: Sanhedrin, 1976), pp. 125-127.

traditionally reserved for men, such as prayer, *zizit* and *tefillin*. They have liturgical skills. Yes, and they do come to the *minyan*, particularly when they are counted. These capable, committed women, and others like them, should not be excluded from the rabbinate.

The issue of ordaining women rabbis is not dealt with in classic halakhic literature because, as was noted above, the question was never raised. The halakhic problems raised in this connection are usually referred to as ancillary because they affect some of the functions which a rabbi actually performs. These problem areas are *minyan*, being counted as part of the requisite prayer quorum of ten; *sheliḥut zibbur*, leading the prayer service; and *eidut*, witnessing religious documents such as marriage contracts and bills of divorce. As has always been the case in Jewish legal history, rabbinic responsa have been written both to allow women to assume these functions and to forbid them from doing so. Regarding the functions ancillary to the role of a rabbi, I am persuaded by those of my colleagues who argue that women may perform them. I am also grateful to them for having saved me from a potential conflict between Halakhah and morality.

Within Conservative Judaism, the ordaining of women is the natural culmination of the steady extension of rights and responsibilities to women. Even in its initial phase the most profound change introduced by the Conservative movement was, as Moshe Davis notes, "the recognition that women deserved a more significant role in the life of the synagogue."⁸ Improved education for Jewish women was a major concern of Isaac Leeser. The introduction of mixed pews or family seating was a dramatic break with religious tradition, in the wake of which all subsequent steps, including the ordination of women, are but a logical consequence. Further innovations of the movement regarding the religious life of women include Jewish education for women; the *bat-mizvah*, originally on Friday night and now, largely, on Saturday morning; *aliyot* for women; and a *takkanah* permitting the counting of women in a *minyan*. In addition, the *agunah* problem has been resolved by the adoption of two new procedures. The first is the inclusion of the Lieberman codicil, an ante-nuptial agreement in the *ketubah*. The second is the use of *hafka'at kiddushin*, rabbinic annulment by the Beth-Din of the Rabbinical Assembly of America when rendered necessary by a recalcitrant husband.

Intentionally or unintentionally, the movement toward equalizing the position of women has strengthened Conservative Judaism. Ordaining women is but another and inevitable step in this long process. I hope that it can be taken with little pain and strife. Judaism as a whole, and Conservative Judaism in particular, can only benefit from a step which eliminates an untenable situation and enables us all to take advantage of the finest rabbinic leadership, regardless of gender.

8. Moshe Davis, *The Emergence of Conservative Judaism* (Philadelphia: Jewish Publication Society, 1963), p. 124.

Women in the Rabbinate?

DAVID NOVAK

1. Introduction.

WHETHER OR NOT WOMEN MAY BECOME RAB-
bis has become the subject of intense controversy of late.¹ This question is not one which simply arose out of a particular situation (*ma'aseh she-hayah*) where an immediate normative ruling was called for; rather, it is one where an entire contemporary ideology — Feminism — confronts the entire Jewish tradition.

Indeed, the question of rabbinical ordination for women epitomizes a confrontation which, in the broadest sense, is political. Feminism is asking the Jewish religious community to reconstitute its political order. A political order consists of institutions which structure relations among its participants. Authorities are those persons within the order who determine the meaning of these institutional structures for the participants, that is, they legislate, administer, and, especially, judge.² If Judaism is the constitution of the political order of the Jewish religious community, then the authorities in it, certainly since the destruction of the Second Temple in 70 C.E., and probably earlier, have been the rabbis. Inasmuch as women have been excluded from the rabbinate, they have been excluded from authority in the Jewish religious community.

The demand of Jewish feminists that women now be included in the rabbinate can only be considered as revolutionary. Furthermore, this demand epitomizes the confrontation between Feminism and Judaism, since revolutions always seek a radical change in the existing authority which, because the designation of authority in the community, more than anything else, determines the character of the political community. Such terms as "patriarchy," "democracy," "aristocracy" and "theocracy" are all definitions of political communities and designate the primary authority in each of them.³ Certainly the more perceptive Jewish feminists are well

1. Since I am an old partisan in this controversy, the following writings of mine may be of interest: *Law and Theology in Judaism* I (New York, 1974), chap. 2; II (New York, 1976), chap. 8; "Yes To Halakhah Means No To Women Rabbis," *SH'MA* 9/166 (Jan. 19, 1979): 45-47; response to Ruth Wisse's "Women As Conservative Rabbis?," *Commentary*, 69,2 (Feb., 1980); response to Robert Gordis' "The Ordination of Women," *Midstream*, 27,4 (Apr., 1981): 60-61.

2. On the indispensability of authority in society, see T. *Rosh Hashanah* 1.18 and parallels.

3. See Ernest Barker, intro., *The Politics of Aristotle* (Oxford, 1948), xvi.

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aware of how revolutionary their project is.⁴ The political question is: Can traditional Judaism sustain such a revolution? In the conclusion of this paper I will suggest how a feminist revolution can be so sustained, but I doubt whether many Jewish feminists will agree that my suggestion is sufficient. They will probably regard it as too conservative. Before that suggestion can be cogently put forth, however, the halakhic, historical, theological and philosophical questions pertaining to the ordination of women as rabbis must be first dealt with, albeit too briefly here.

2. *Halakhah and History.*

The halakhic question of how legally insuperable is the traditional exclusion of women from the rabbinate is one which can be comprehensively answered only if we look at how political roles are determined in a society governed by Halakhah.

One can see four basic types of participant in a halakhic society: (1) private (2) domestic (3) public and (4) authority.

Private participants in the society are those who are permitted to practice its rites qua individuals, but whose practice has no public significance. Generally, women have been exempt from those rites which are to be performed at a specific time.⁵ However, there has also been a general tendency in the history of the Halakhah to allow women to practice whatever rites they choose over and above what they are obligated to practice.⁶

In the area of domestic participation in society the role of women was greatly enhanced in the history of the Halakhah. They were basically elevated from the level of chattel to the level of free persons with definite rights in the marital union.⁷ However, all of the development in the area of Jewish matrimonial law was based on the fundamental premise that a woman's essential role in life is to be a wife and mother, and this purpose of the law pertaining to her was invoked in the reinterpretation of various specific legal impediments which arose from time to time.⁸ One can see most halakhic development pertaining to women as being in the interest of protecting them from the exploitation by men which, of course, destroys true marital mutuality.⁹

4. See S. Heschel, ed., *On Being A Jewish Feminist* (New York, 1983), esp., intro.

5. M. *Kiddushin* 1.7; B. *Kiddushin* 33b-34a.

6. See B. *Hagigah* 16b and *Tos.*, s.v. "la'asot" re Lev. 1:2, 4 and M. *Menahot* 9.8; Rashi on Ex. 33:8; B. *Eruvin* 96a-b (cf. P. *Eruvin* 10.1/26a) and *Tos.*, s.v. "dilma"; B. *Rosh Hashanah* 33a and *Tos.*, s.v. "ha"; B. *Kiddushin* 31a and *Tos.*, s.v. "dela"; *Rosh: Kiddushin*, 1.49; *Teshuvot Rashi*, ed. Elfenbein (New York, 1943), pp. 80-81; note of Isserles (*Ramo*) on *Shulhan Arukh: Orah Hayyim*, 38.3; *Shemot Rabbah* 4.2 (cf. *Mishnat Rabbi Eliezer*, no. 19, ed. Enelow [New York, 1933], p. 342).

7. See Meiri, *Bet Ha-Behirah: Kiddushin*, ed. Sofer (Jerusalem, 1963), 8; also, *Teshuvot Ha-Rosh*, ed. Venice (1607), no. 42, sec. 1.

8. See B. *Kiddushin* 7a and parallels; also, B. *Yevamot* 88a and B. *Gittin* 3a.

9. See D. Novak, "Annulment in Lieu of Divorce in Jewish Law," *The Jewish Law Annual* 4 (1981), p. 188ff.

It is in the area of public participation in society where one can see the great halakhic divide between men and women. The true dignity of women was seen in their domestic rather than their communal role, since "all of the honor of the princess is within (*penimah*)" (Psalms 45:14).¹⁰ Indeed, in her domestic role it could well be argued that the woman is the dominant participant, "the cornerstone of the house" (Psalms 113:9),¹¹ a point to which I will return when examining the claims of Jewish egalitarianism.

It is only when we have reached this point in our inquiry that the halakhic question of women rabbis can be seen in proper sequence. Because a woman is not considered a public participant in society she is not counted as a member of the quorum required for public worship.¹² (Whether or not women may themselves constitute their own quorum is a topic of current halakhic debate.¹³) Not being obligated for regular public worship she cannot very well be a public participant in its constitution.¹⁴ Her role is that of either spectator or private participant. Thus, it follows that a woman may not lead a congregation in public worship or read the Torah for them.¹⁵ For the same reason, a woman may not be the celebrant of a wedding, since the recitation of the nuptial blessings (*birkat hatanim*) may be done only by one of the men who is part of the quorum required for their recitation.¹⁶ Although these are not necessarily rabbinical functions, they are usual ones.¹⁷ Indeed, a rabbi who could neither publicly read the Torah, nor lead public worship, nor celebrate weddings, would be practically disenfranchised in any Jewish congregation governed by Halakhah.

We are now at the point where the essential definition of a rabbi comes to the fore. *A rabbi is one who alone may be an authority in a religious court (Bet Din) dealing with matters of personal and familial status.* Although

10. See B. *Shevuot* 30a and *Tos.*, s.v. "kol"; B. *Yevamot* 77a re Gen. 18:9; also, *Teshuvot Rashi*, 251-252; *Teshuvot Rivash*, no. 235.

11. See B. *Shabbat* 118b and Rashi, s.v. "ishti"; *Bereshit Rabbah* 17.7; also, B. *Baba Batra* 110a.

12. B. *Sanhedrin* 74b; P. *Berakhot* 7.3/11c. The view of R. Simḥah of Speyer that a woman may be included as the tenth participant in a minyan is upheld by no subsequent authority. See Mordecai: *Berakhot* 7.158 and R. Joseph Karo, *Bet Yosef on Tur: Oraḥ Hayyim*, 55; also, B. *Berakhot* 47b/bot. Even this is no precedent for women in the minyan.

13. See Novak, *Law and Theology in Judaism* II, pp. 145-146.

14. M. *Berakhot* 3.3.

15. See B. *Kiddushin* 41b; B. *Berakhot* 20b, *Tos.*, s.v. "ba-tefillah." One can be the agent of the congregation (*sheliaḥ zibbur*) only if one is under the same obligation as the congregation itself. See B. *Rosh Hashanah* 29a/top and Rashi, s.v. "af-al-pi." Re public Torah reading, see T. *Megillah* 3.11; S. Lieberman, *Tosefta Kifshuta: Moed* (New York, 1962), pp. 1176-1177; B. *Megillah* 23a; Novak, *Law and Theology in Judaism* II, pp. 144-145; Ran on *Alfasi*, B. *Megillah* 23a and Meiri, *Bet Ha-Behirah: Megillah*, ed. Hirschler (Jerusalem, 1968), pp. 73-74; R. Abraham Gumbiner, *Magen Avraham on Shulḥan Arukh: Oraḥ Hayyim*, 689.2.

16. M. *Megillah* 4.3 and B. *Ketubot* 7a-b and Rashi, s.v., "be-mak'helot" re B. *Berakhot* 21b and parallels.

17. Whether or not this role is necessarily rabbinical, see B. *Kiddushin* 6a, Rashi, s.v. "lo" and *Ḥidushay Ha-Ritva* thereto; *Ibid.*, 13a, Rashi, s.v. "hadar"; cf. *Ibid.*, 6a, *Tos.*, s.v. "lo."

rabbis do many other things, such as preaching, teaching, counseling and pastoring, none of these activities is essentially rabbinical. They may be performed by virtually any other qualified Jew. If one is willing to eliminate the essential rabbinical role and concentrate only on the common ones today, as is the case in the Reform rabbinate, then one has, in effect, made the title “rabbi” lose its only specific distinction. As such, it is so far removed from its traditional matrix as to become a homonym. If this is the case, then the rabbinate becomes so amorphous a vocation that it could be argued that no serious traditional Jew — male or female — could aspire to it.

The authoritative role of a judge is related to the role of a witness as a public representative of the society as a whole. The latter is the *conditio sine qua non* of the former. As the Mishnah states, “whoever is fit (*kasher*) to judge is fit to witness; but there are those who are fit to witness and are not fit to judge.”¹⁸ The Halakhah is clear that, with the exception of areas where a woman’s testimony is indispensable and without which domesticity would be impossible, a witness (*ed*) may only be a man.¹⁹ A judge, moreover, requires the requisite learning over and above the gender and moral requisites of a witness.²⁰ The exclusion of women from the role of witness is considered explicitly Scriptural (*gezerat ha-Katuv*) and is, therefore, beyond repeal; *a fortiori*, the exclusion of women from the essential rabbinical role of judge (*dayyan*).²¹ Jewish legal proceedings where women function as either witnesses or judges are invalid, and the consequences for those who are dependent on these proceedings for clarification of their Jewish status could be tragically irreversible.²² Hence, at the halakhic level, the feminist challenge to traditional Judaism finds itself at an absolute impasse.²³

3. Theology.

Theologically, the feminist challenge to Judaism is its voluntarism. Should not a person who wants to be an authority and has the moral and intellectual abilities to be an authority, be allowed to be one? This would be possible only if the Jewish covenant with God were initiated by its human participants. In that case, women could elect to be public partici-

18. M. Niddah 6.4.

19. M. Shevuot 4.1. Cf. B. Yevamot 88a and B. Gittin 3a.

20. See Maimonides, *Hilkhot Sanhedrin*, 3.8.

21. B. Shevuot 30a re Deut. 19:15 and 17; P. Sanhedrin 3.9/21c; Maimonides, *Hilkhot Edut*, 9.2 and R. Joseph Karo, *Kesef Mishneh* thereto.

22. See B. Kiddushin 6a, Rashi, s.v. “lo” re Eccl. 1:15 on B. Yevamot 22b.

23. Even though Maimonides’ exclusion of women from all roles of public authority (*Hilkhot Melakhim*, 1.5 re Deut. 17:15 and *Sifre: Devarim*, no. 157, ed. Finkelstein, p. 208; see Radbaz thereon re Niddah 50a, Tos., s.v. “kol”) is not, to my knowledge, repeated in any of the other codes, it certainly reflects an opinion which would have been accepted by the overwhelming number of halakhists until this day.

pants in the covenant and, therefore, could be eligible to qualify as authorities. The logic of this type of voluntaristic theology, as espoused by the Jewish feminists, was made in the first attempted internal revolution against established Jewish authority, that of Korah and his group. Korah's challenge to Moses and Aaron was that "you have too much, for the entire congregation all of them are holy (*qedoshim*) and the Lord is in the midst of them" (Numbers 16:3). In other words, why have the others been excluded from positions of authority.²⁴ Moses' answer is that "tomorrow the Lord will make known who is His and who is holy and He will draw him near; and whom He chooses (*yivhar bo*) He will draw near to Himself" (16:5). The logic of the reply is as follows: Just as God *chose* the people of Israel in general from among the other peoples, so had He chosen Moses and Aaron from among the other leaders. The covenant and the various statutes that it contains are not voluntary from the human position. Humans, to be sure, can choose to obey or to disobey God; however, the obligation is prior to their choice. Their choice is a subsequent response.²⁵

Ultimately, the status of being a Jew — with the exception of converts at the time of their conversion — is an involuntary matter.²⁶ From the Divine position, one can neither choose to be a Jew nor choose not to be one. "Even if a Jew has sinned he is, nevertheless, a Jew."²⁷ An apostate, although denied virtually all the privileges of being a Jew, is, nevertheless, considered a Jew and subject to the full yoke of the commandments.²⁸

All of this, theologically, follows from the presupposition of the covenant, namely, God as Creator. For, if God can choose one universe over other possible and actual universes,²⁹ and if God can choose one small species — homo sapiens — to create in His image, and if God can choose one small people — Israel — to be the recipient of His Torah, then why can God not choose men rather than women to be authorities in a society governed by that Torah? Here, again, the modern mind and temperament are faced with the scandal of the particularism of Judaism. Now it is faced with the particularism of Jewish sexism. Earlier in the modern period it was faced with the scandal of Judaism's particularism in such areas as the Hebrew language, the Sabbath, the dietary laws, and the Land

24. See *Bamidbar Rabbah* 18.1. Even the egalitarian theology put in the mouths of the daughters of Zelophehad by the rabbis (*Sifre: Bamidbar*, no. 133, re Ps. 145:9, ed. Horovitz, p. 176) is only hypothetical and is subject to the ultimate judgment of the categorical Divine decree brought by Moses.

25. See B. *Shabbat* 88a-b re Ex. 19:17 and Esther 9:27; also, P. *Sotah* 7.5/22a re Josh. 3:16.

26. Even converts are compared to native-born Jews, viz., they are "born again" (*ke-katan she-nolad dami*). See B. *Yevamot* 22a and parallels. Furthermore, conversion is irrevocable. See *Ibid.*, 47b.

27. T. *Demai* 2.4 and B. *Sanhedrin* 44a/top re Josh. 7:11.

28. See *Tur: Yoreh Deah*, 266 (end) and Karo, *Bet Yosef* thereon. Cf. Maimonides, *Evel*, 1.10.

29. See *Bereshit Rabbah* 3.7.

of Israel³⁰ — the last being a form of our scandalous particularism which so many in the world still find hard to face. Clearly, the inner meaning of Jewish particularism is not democratic; but, as Josephus pointed out quite correctly, Judaism is theocratic not democratic: the rule of God and not the rule of humans.³¹ This does not mean, of course, that there are not democratic elements in Judaism, but one could hardly argue that they are primary.³² Hence, at the theological level, the feminist challenge to Judaism meets an impasse every bit as absolute as the halakhic one that we have just examined.

4. *Philosophy.*

By demanding a categorical egalitarianism in Jewish religious life, Feminism is making a philosophical assertion. It is asserting that absolute equality between men and women in the Jewish community is a desideratum, a moral imperative. Nevertheless, no such egalitarian commandment can be found in normative Jewish tradition. Moreover, I know of no Jewish feminist who has argued convincingly for the philosophical cogency of egalitarianism per se, much less for Jewish egalitarianism.³³ Let us now briefly examine just how equality has functioned in Jewish tradition.

The Torah writes, “let there be one law (*mishpat ehad*) for the sojourner (*ka-ger*) and the native-born (*ka'ezrah*), for I am the Lord your God” (Leviticus 24:22). The Talmud interprets this verse to mean: “a law equal (*ha-shaveh*) for all of you.”³⁴ Here equality is used to justify a monetary interpretation of the *lex talionis*, inasmuch as mutual mutilation can never be truly equal. Only money, being an entity whose value is abstractly

30. See R. Zevi Hirsch Chajes, *Minhat Kina'ot* in *Kol Kitvei Maharaz Chajes* II (Jerusalem, 1958), pp. 982ff.

31. *Contra Apionem*, 2.164-165.

32. See B. *Berakhot* 55a re Ex. 35:30 and Alfasi thereon; B. *Sanhedrin* 16a/bot. re M. *Sanhedrin* 1.5; B. *Avodah Zarah* 36a and Maimonides, *Hilkhot Mamrim*, 2.7. The rule that popular usage determines the law (B. *Eruvin* 14b/bot. and parallels) applies only to choosing between conflicting traditions. See I.H. Weiss, *Dor Dor ve-Dorshav* II (Vienna, 1876), p. 62. Also, the oft quoted passage, “My children have conquered Me!” (B. *Baba Mezia* 59a) simply refers to the right of the majority of the sages to choose between conflicting options already traditionally given, and no new normative revelation is acknowledged.

33. Thus, Dr. Judith Hauptman, a Talmudist on the faculty of the Jewish Theological Seminary of America, attacked my assertion made at the April 1983 convention of the Rabbinical Assembly in Dallas, Texas that “Judaism is not an egalitarian tradition” (*New York Times*, Apr. 13, 1983, p. A23) as follows: “Rabbi Novak is right . . . However, the . . . Talmud . . . also delineates a number of mechanisms for legal change which are to be implemented when such change is shown to be ethically necessary” (Ibid., Apr. 23, 1983, p. 22). Nevertheless, Dr. Hauptman does not demonstrate the cogency of this “ethical necessity” on either philosophical or historical Jewish grounds.

34. B. *Baba Kama* 93b.

stipulated, can fulfill this ideal requirement.³⁵ The first characteristic of equality in Jewish tradition, then, is abstractness.

The Mishnah interprets this same Scriptural verse as mandating equal measures to be followed in both civil and criminal legal proceedings.³⁶ And, although the subject of this verse, the sojourner or resident-alien (*ger toshav*) is not mentioned in this interpretation, he is implied in it, for the resident-alien was a private participant in Jewish society. Despite the fact that he could neither witness against Jews nor judge them, he was guaranteed the protection of Jewish civil and criminal justice if he publicly agreed to live by the seven Noahide laws.³⁷ As Hermann Cohen correctly pointed out, this was the equivalent, in ancient Israel, of secular citizenship (*Staatsbürger*).³⁸ Thus, the second characteristic of equality is that it seems to be limited to the realm of civil and criminal responsibilities. In this abstract, formal, realm persons are in effect desexualized (*das Man*), that is, their sexual identities are bracketed; here they are all homogenized, all are regarded as the same. In the fullness of life, however, to which the Torah addresses itself, sexual identity as difference (*hetero-sexuality*) is constantly recognized and affirmed.

Concerning the civil and criminal equality of men and women, the Talmud teaches that "Scripture equated (*hishvah ha-Katuv*) women and men (1) for all punishments of the Torah . . .³⁹, (2) for all civil matters (*dinin*) in the Torah . . . , (3) for all capital punishments (*mitot*) in the Torah."⁴⁰ In its discussion of the rationale of this earlier statement the Talmud notes the following: (1) The first equation is the rule because God has identical compassion for women and men, enabling both to atone (*kapparah*) by being punished;⁴¹ and this in spite of the fact that men are obligated for many more commandments (*bar mizvah*) than are women (*lav bat mizvah hi*).⁴² (2) The second equation is the rule because God has identical concern for a woman's livelihood (*hayuta*) which would be impaired by a lack of civil rights; and this in spite of the fact that men are more likely to be involved in business than are women. (3) And the third equation is the rule because the loss of human life, be it female or male, is heinous to God; and this in spite of the fact that men, being obligated for more commandments, should perhaps have the right to ransom their lives (*kofer*) in the case of a crime punishable by death.⁴³ Thus, the third

35. See Aristotle, *Nicomachean Ethics*, 1133a30.

36. M. *Sanhedrin* 4.1.

37. B. *Avodah Zarah* 64b; Maimonides, *Hilkhot Melakhim*, 8.10-11 and 10.11; *Encyclopedia Talmudit* V, pp. 337-338.

38. "Die Nächstenliebe im Talmud", *Juedische Schriften* I (Berlin, 1924), pp. 159-160.

39. Indeed, men and women are subject to virtually all of the same prohibitions of the Torah. See M. *Kiddushin* 1.7.

40. B. *Baba Kama* 15a; see Maimonides, *Hilkhot Sanhedrin*, 21.1.

41. For the idea of punishment as atonement, see B. *Sanhedrin* 6b re II Sam. 8:15.

42. See *Menaḥot* 43b/bot. and Rashi, s.v. "hynu ishah" re B. *Hagigah* 4a.

43. See M. *Horayot* 3.7.

characteristic of equality is that its operation in the area of civil and criminal rights and responsibilities is irrespective of gender. However, as we have already seen, these rights and responsibilities are those of a private participant in society. Any attempt to infer that they have public significance as well was usually rejected by subsequent halakhists.⁴⁴

Although in the full religious life of the Jewish community women and men do not share the direct equality of civil and criminal rights and responsibilities, nevertheless, there is a certain proportional equality if one views the respective roles of women and men in their totality.⁴⁵ Ironically enough, egalitarian logic at this very point in Jewish history has actually upset this proportional equality and thus has diminished, rather than enhanced, the importance of the Jewish woman.

We saw earlier how the primary role of the Jewish woman is that of a domestic participant in Jewish life. Moreover, she is not only *a* domestic participant, she is *the* domestic determinant by virtue of a simple fact: it is the Jewish woman alone who confers unambiguous Jewish identity on her Jewish children.⁴⁶ The Jewish man confers only subsequent infra-Jewish status on his children.⁴⁷ Whether or not this was always the case in Judaism can be debated by historians,⁴⁸ but the fact remains that it has been the unchallenged normative Jewish position until very recent times.

However, the same egalitarian logic which so eagerly pursues *Gleichshaltung* in the public sphere by breaking down the barriers between men and women, breaks down the primary domestic position of the Jewish woman as the conferrer of Jewish identity on posterity. It is no historical accident that the Reform Movement, which thirteen years ago began to ordain women as rabbis has just this year decreed that the Jewish identity of a child may be determined by either its Jewish mother *or* by its Jewish father. This decision is a further and more radical consequence of the very same egalitarian logic which called for the ordination of women as rabbis. Considering the non-normative way that the Reform Movement has always approached Jewish tradition, this further consequence of their egalitarianism cannot be faulted as either inconsistent or insincere. Those who reject this current Reform position can do so only if they also reject the philosophically grounded egalitarianism upon which it is based. Therefore, non-Reform liberals in contemporary religious Jewry — and here I particularly mean many of the leaders of the Conservative Move-

44. See B. *Baba Kama* 15a, Tos., s.v. "*asher*"; Maimonides, *Hilkhot Sanhedrin*, 2.1; *Shulhan Arukh*: *Hoshen Mishpat*, 7.4. Cf. *Hidushei Ha-Rashba* on B. *Baba Kama* 15a re Ex. 21:1 as regards allowing women to judge in civil cases; also, *Hidushei Ha-Ritva* on B. *Kiddushin* 35a. For the same logic, see B. *Sanhedrin* 18a re Zeph. 2:1.

45. For the difference between proportional (indirect) and arithmetic (direct) equality, see Aristotle, *Nicomachean Ethics*, 1131a10ff.

46. B. *Kiddushin* 68b re Deut. 7:4.

47. M. *Kiddushin* 3.12.

48. See, e.g., P. *Kiddushin* 3.14/64d; R. Aryeh Leib Yellin, *Yefei Enayim* on B. *Kiddushin* 68b.

ment — who want women as rabbis but recoil at the thought of the more radical rejection of matrilinear descent, are philosophically as well as historically naive if they believe that they can coherently affirm both egalitarianism and the traditional halakhic criteria of status. And these criteria are intelligible only if seen in the context of the theological and philosophical principles that I have just presented.

Philosophically, this is the very crux of the question, for Jewish feminists assume that absolute equality is both self-evident and Jewishly authentic. From what we have seen, heretofore, neither assertion is true.

5. Conclusion: A Suggestion.

Although the basic demands of the Jewish feminists have no adequate foundation in traditional Judaism — halakhically, historically, theologically, or philosophically — they do reflect a sincere and sustained cry for some way of recognizing the participatory and authoritative role that Jewish women are taking in the secular Jewish community and now desire to take in the religious community as well. The sincerity and intensity of this cry call for some deeper thinking. One cannot simply argue from the tradition and expect the answer to be obediently accepted. This would be — as the rabbis used to say about inadequate responses to good questions — “to push away with a straw.”⁴⁹ The political dynamics involved in modern protest movements — and Feminism is the ideological basis of what we used to call a short time ago “Women’s *Liberation*” — just do not operate so simply. Clearly, Jewish Feminism is not going to disappear or retreat into silence.

Since, in my own thinking, I have only recently accepted this inevitability, my traditionalist response to it is admittedly awkward.

Judaism, it seems to me, can sustain a feminist revolution if that revolution is a genuine development into a new historical situation. In such a revolution — actually *evolution* is a more apt name for it — old institutions are not destroyed but new ones are added to the whole of Jewish life. In the emergent process both the old and the new assume their respective roles of importance without one engineering the abolition of the other. A new economy of relations is gradually worked out. One can see this in the evolution which Pharisaism and Rabbinic Judaism effected in Jewish history.

It is clear from an unbiased reading of Scripture that the whole institution of the Oral Torah itself is not something Scriptural. The *prima facie* meaning of the verse, “you shall not deviate (*lo tasur*) from the matter (*ha-davar*) they will tell you” (Deuteronomy 17:11) simply is that Scriptural law needs to be interpreted in adjudication. Furthermore, the chief religious authorities were the hereditary priests, as it states, “when you come

49. See *Bamidbar Rabbah* 19.4. The Yiddish phrase “*avek mit der hant*” expresses this notion even better.

to the levitical priests and to the judge who will be in those days" (17:9). Nevertheless, the rabbis used this verse as the Scriptural support for *their* authority to create new religious institutions, something explicitly prohibited by the same Deuteronomic code.⁵⁰

The new institution of the rabbinate (*hakhamim*) gradually overtook in importance the older hereditary priesthood without, however, abrogating the specific functions of the priests, as can be seen in the following Mishnah.

How is the infected house inspected? "And he whose house it is shall come and tell the priest saying, 'there appears to me there is something like an infection in the house'" (Leviticus 14:35). Even if he is a rabbinic scholar (*talmid hakham*) and knows that it is definitely an infection, he may not decree and say "there appears to me an infection in the house", but "something like an infection (*ke-nega*) appears to me in the house."⁵¹

In other words, the priest is not to be denied his Scriptural privilege of declaring a house to be infected. However, the implication of this Mishnah is that the rabbinic scholar is the one, by virtue of his greater learning, who is, in the fullest sense, the more authoritative figure. What we have in the Pharisaic-Rabbinic evolution is the shift from the authority of heredity to the authority of learning and teaching. On the specific level of the priest's Scriptural privilege nothing has changed, but in the full economy of Jewish religious life everything has changed.⁵² A parallel to this same phenomenon is the assertion of the Mishnah that, in the later days of the Second Temple, the rabbinic scholars had to give the High Priest a cram course in the laws of Yom Kippur so that he might properly perform his Scripturally ordained duties.⁵³ As the Talmud notes elsewhere, "the words of the student and the words of the teacher, to whose words do we listen?!"⁵⁴ Finally, there is the famous Mishnah which states that the life of a *mamzer* (one having a very low Jewish pedigree from birth) takes precedence over the life of the High Priest (one having the highest Jewish pedigree), if the *mamzer* is a rabbinic scholar and the High Priest is an ignoramus (*am ha'arez*).⁵⁵ "The stone which the builders rejected has become the cornerstone of the house" (Psalms 118:22).

I mention all of this because, at the level of learning, and authentic Jewish evolution is always a learning and a relearning (*midrash hakhamim*), distinctions of pedigree and gender recede into the background. This comes out in the following way. When the Mishnah rules that women may

50. See B. *Shabbat* 23a. For the attempt to overcome the Deuteronomic prohibition of new legislation (Deut. 4:2), see *Sifre: Devarim*, no. 82, ed. Finkelstein, p. 148; also, see Philo, *De Specialibus Legibus*, 3.143-144.

51. M. *Nega'im* 12.5.

52. See Louis Finkelstein, *The Pharisees I* (Philadelphia, 1938), pp. 264ff.

53. M. *Yoma* 1.3. See B. *Yoma* 18a.

54. See *Niddah* 14b; *Encyclopedia Talmudit* VII, p. 83.

55. M. *Horayot*, end. See P. *Horayot*, end/48^c re Prov. 3:15; also, B. *Avodah Zarah* 3^a re Lev. 18:5 and parallels.

not serve as witnesses or as judges, the medieval Tosafists saw the Scriptural Deborah as a seeming counter-example to this rule, as it says, "and she judged (*ve-hi shoftah*) Israel at that time" (Judges 4:4).⁵⁶ Their answer was that this was either a special Divine dispensation, or that "she did not judge but taught them the laws" (*melamedet lahem ha-dinim*),⁵⁷ her role was intellectual rather than judicial. Nevertheless, it is clear where the true spiritual authority lay. In pre-war Eastern Europe, for example, although the *rav* or *dayyan* made the regular halakhic judgments in the Jewish community, his was not always the true spiritual authority. Among *Hasidim*, this authority was the *rebbe*, who rarely made specific halakhic judgments, while among *Mitnagdim* (especially in Lithuania) it was often the *rosh yeshivah*.

Ironically enough, there are fewer halakhic impediments to learning from women than in teaching them.⁵⁸ Therefore, my conservative suggestion is that Jewish feminists become our best scholars and teachers, that they master the traditional sources and reinterpret them in the light of their unique experience and insight. It is for them to create a new house of study (*Bet Midrash*) about which the Talmud says, "it is impossible that there be a *Bet Midrash* without something new (*be-lo hiddush*)."⁵⁹ Out of this *Bet Midrash*, which Bialik, no doubt paraphrasing this Talmudic passage, called "the creative house (*bet ha-yozzer*) of the soul of the nation,"⁶⁰ could come a renaissance of Jewish learning and insight in our age of incredible Jewish ignorance and shallowness.

Whether our Jewish feminists choose the harder road of Jewish creativity which brings forth the new without destroying the old, or the easier road of revolutionary nihilism which destroys the old and ultimately replaces it with further destruction, they and they alone must make it. If they do choose the harder road of learning and reverence (*Torah ve-yirah*),⁶¹ then I, for one, am willing to say that "from all my teachers I have been enlightened" (Psalms 119:99)⁶² and that this traditionalist is willing to become their student. What will practically emerge from all of this? I can only answer, as did the rabbis in the attic in Lydda at a time of even greater uncertainty, "Greater is learning [even than doing] because it ultimately does produce the deed."⁶³

56. Actually the verb *shft* in this context, especially, seems to mean administration not adjudication. See I Sam. 8:5-6.

57. *Niddah* 50a, *Tos.*, s.v. "*kol*."

58. See M. *Sotah* 3.4 and Bavli and Yerushalmi thereon; Novak, *Law and Theology in Judaism* II, pp. 53ff. See, also, *Tosefta Kelim: Baba Mezia* 1.6 (cf. B. *Eruvin* 53b/bot. re M. *Avot* 1.5); B. *Sanhedrin* 94b.

59. B. *Hagigah* 3a.

60. "*Ha-Matmid*" in *Kol Kitvei Hayyim Nahman Bialik* (Tel Aviv, 1951), p. 75a/bot.

61. See P. *Rosh Hashanah* 2.9/58b.

62. See M. *Avot* 4.1 and Maimonides, *Shemoneh Peraqim*, ed. Kappah (Jerusalem, 1965), p. 247.

63. B. *Kiddushin* 40b and parallels.

The Case for Women Rabbis

FISHEL A. PEARLMUTTER*

DURING THE FIRST COMMONWEALTH, IT WAS the priests who were the leaders of the Jewish religion. To be a priest one had to be born into a priestly family (patrilineal) and to be free of certain diseases or conditions that disqualified one from participation in the Temple service. The very first religious leader of the Jewish people, according to tradition, was Aaron, elder brother of Moses. God had elevated him to the priesthood, and his installation as the High Priest was accompanied by much pageantry. Thereafter, his sons and patrilineal descendants were to function in his place. They were instantiations of Aaron forever, and only they could approach the holy of holies, only they could perform the sacrifices, only they were to determine questions of purity and impurity.

In all probability, the priesthood had its greatest development during the First Commonwealth. Whether the Aaronide priesthood is historical or not (there is considerable doubt as to its historicity), mythically the priest is the patrilineal descendant of Aaron, installed directly into office by the prophet Moses upon the order of God.

Priesthood brought with it many privileges. The priest was automatically a member of the highest caste, and Judaism knew of ten castes, of which the lowest was the *mamzer*, one of illicit birth who was permanently excluded from the Temple worship. Priests received taxation levied upon the other castes and the priesthood, as it seemed, reigned supreme.

With exile to Babylon a new institution, the synagogue, began its development. Unlike the old system of the Temple and animal sacrifice, with the priesthood as its officiants, the synagogue had learning as its criterion for leadership. Learning was, of course, of the traditional materials, of the Torah. Within it, the old caste regulations were almost entirely ignored. Indeed, the rabbis ruled that "*mamzer talmid hakham kodem l'kohen gadol*" — a learned member of the lowest caste takes precedence over a high priest who is ignorant. This revolutionary doctrine made for a totally different approach to leadership. The *mamzer* could come in, and the physically handicapped could be leaders. Women, however, were still excluded from leadership, perhaps because of the confusion of rabbinic and priestly roles.

* This article was written shortly before the untimely and lamented passing of the author.

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When the Second Temple came to its sad end and the synagogue emerged as the central institution of Jewish religion, the priesthood retained some vestigial honor, but religious leadership was totally severed from the mythical notion of descendants of Aaron. Within the synagogue a greater degree of openness was characteristic. The castes were functionally dispensed with and the only carry-overs from the ancient pattern were the exclusion of women and the nominal honor given to those who claimed priestly and Levitical descent.

To be sure, there were restrictions on participation in synagogue life, among them being age, status as to freedom, and mental ability. The child, the slave and the mental incompetent were excluded from honors. To these exclusions, women were attached. Sometimes, Halakhah froze the sociological patterns of a particular period. This happened in the case of women who, for status purposes, were frozen into the category of incompetent persons.

Contemporary Jews who oppose ordination of women and their assumption of religious leadership, seem to harken back to the confusion between priesthood and rabbinate. There is, to be sure, some basis for this confusion. The berobed rabbi who lifts his hands in priestly benediction and exercises almost magical powers to bless does seem an instantiation of the ancient priesthood. But all would agree that the rabbi is probably not a descendant of Aaron and that the rabbinate is a different institution. The confusion of these two categories, priesthood and rabbinate, leads some to feel that a woman assuming the role of religious leader would be out of keeping with the myth. After all, no woman can instantiate the male Aaron. Some of our neighboring religious traditions hold this view strongly and refuse the ordination of women to the priesthood because of their inability to instantiate the male hero who founded the religion.

Jews of a more mythical bent seem to make the claim that women's role is divinely inspired. To them, any change from past patterns violates tradition and is a direct trespass upon the ground hallowed by God. To permit a woman to serve in the position of leadership is to deny divinity. Women are simply different and God made them different and, therefore, they must behave differently.

Conservative Jewish leadership, however, is non-mythical. No one makes the claim in the Conservative Movement that rabbis instantiate Aaron or that women are inferior either by divine fiat or by nature.

Because of the exclusion of women from the company of competent human beings many disqualifications were placed upon them. They were not permitted to be witnesses except under dire circumstances. They were unfit for the judicial role, and could not lead worship. Neither could the mental incompetent, the slave or the child. Almost all of the halakhic arguments against the ordination of women emerge from females being lumped in the category of the non-competent. The operative phrase,

"*Nashim, kalot da-at hen*" — women are weak-minded — served as justification for the continued discrimination against them.

The twentieth century has brought about a major revolution, and in today's society women are obviously not considered weak-minded. There are, of course, misogynistic societies, not least among them being those that follow Islam which, in the extreme, desires women to be in purdah and to wear the chador while, even among their more moderate groups, women are still considered as not the equal of their male counterparts. The State of Israel, too, struggles with the issue of women's equality,¹ but the Western world, in general, has increasingly recognized the injustice perpetrated upon women by their prior relegation to some lower status. In an era that includes women Prime Ministers, judges, legislators, engineers and astronauts, there is every reason to reassess their exclusion from leadership roles in Judaism.

The Halakhic arguments base themselves, finally, on the notion that things have never been this way before. It is true that never before were women granted equality, but conditions do change. In our day, the equality of women must be realized or the society that refuses to recognize it joins the ranks of those who refuse to recognize history and modernity.

Conservative Judaism prides itself on its historical view. History is inescapable and forms a necessary ingredient in scholarship and philosophy; it is an essential element in understanding what is to be done now and in the future. Conservative Judaism, therefore, cannot blind itself to the lesson of history which teaches a greater degree of liberation and equality. The record of Jewish tradition reads as a liberating record, liberating from caste and from degraded personal status. The synagogue remains a prime instance of an institution dedicated to greater equality. To exclude women from participation and leadership in it is to ignore history.

In the past, Conservative Judaism introduced equality in seating through family pews in the synagogue. It insisted on equal education for boys and girls and pioneered the Bat Mitzvah ceremony, thus officially recognizing the importance of women in Judaism. It rephrased the three negative Preliminary Blessings in the traditional Morning Service in one of which the worshipper thanks God, "who has not made me a woman." It replaced this invidious statement with the far more meaningful blessing, which both men and women can recite with equal sincerity, "Blessed art thou, O Lord our God, who has created me in His image." By these actions Conservative Judaism laid the groundwork for the full equality of Jews regardless of their gender.

The Halakhic arguments have been thoroughly discussed by many. Prime among these are the work of Dr. Robert Gordis² and the Chancellor's Commission, which was appointed as part of the process that must

1. Cf. articles in the *Jerusalem Quarterly*, 27 (Spring, 1983): 59-108.

2. Robert Gordis, "The Ordination of Women," *Midstream* (Aug./Sept. 1980): 25-31.

inevitably lead to the ordination of women by the Conservative Movement. That Commission stated, among other things, that "[T]he problems associated with ancillary functions were deemed insufficient grounds for denying . . . [to] Jewish women . . . access . . . to the roles of spiritual and community leaders."³

The ancillary roles are those of leading services as a *shaliah zibbur*, an agent of the congregation; signing documents as a witness, especially for marriage and divorce; sitting as a member of a Bet Din, a Rabbinic Court, particularly for purposes of divorce and conversion. Another related problem is that of reciting the marriage blessing while officiating at a wedding. In these instances, traditional practice has prevented women from being agents of a male (individual or group) and from serving as witnesses. These functions of witness and agent are auxiliary to the status of rabbi. There are some rabbis who rarely or never perform them, but most do, and the notion of a congregational rabbi who does not lead worship, and officiate at marriages, divorces and conversions is hard to imagine.

Opponents of women's ordination sometimes argue from other than halakhic considerations. One is prudence. Were the Conservative Movement to ordain women, then some among the current constituency of the Movement might feel offended and be tempted to leave it. The Chancellor's Commission found overwhelming support by lay people for the ordination of women, but prudence cannot be rationally argued. There is no empirical basis on which to judge the future. And, in all events, it is justice — not prudence — that demands equality for women.

A third argument is sociological, and was raised, in the past, in connection with women's efforts to be admitted to the Bar as lawyers, and to enter medical school to become physicians. In both instances, male chauvinists argued against them on the grounds that, somehow, they were not fit for these professions. Their role as women required them to remain in the kitchen and bedroom and to care for their children. Essentially, these arguments were so weak that no one dares raise them today. The last gasp of inequality based on sociological claims was the opposition to the vote for women. With women's suffrage that argument came to an end, though it has been revived among some opponents of women's ordination who claim that a woman acting as rabbi will somehow bring about a deleterious impact on both family life and congregational life.

In sum then, within Conservative Judaism the opposition to ordination of women is largely based on the halakhic category that relegates women to the company of mental incompetents, and to sociological and prudential arguments that are not worthy of serious consideration. The Conservative Movement is likely to make its decision and move forward toward greater equality in the very near future.

3. "On The Ordination of Women," *Conservative Judaism*, XXXII, 3 (Summer 1979): 73.

An Advocate's Halakhic Responses on the Ordination of Women

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THE QUESTION OF THE ORDINATION OF women by the Jewish Theological Seminary of America has been debated for nearly ten years. Proponents of both sides have written extensively on this issue, using both halakhic and non-halakhic arguments,¹ and the purpose of this paper is to address some of the halakhic problems raised by the opponents of women's ordination

The halakhic objections raised relate to functions that a rabbi may have to perform or which are commonly accepted (though not necessary) functions of a rabbi. Functions such as *mesadder kiddushin*, *sheliaḥ zibbur*, counting in a *minyan*, and serving as a witness (*edut*) are the areas most frequently mentioned.

The opponents to ordination claim that women are prohibited from performing these functions and, therefore, they should not be ordained. Ordaining them, they claim, would place them in an uncomfortable position and could be construed as transgressing the biblical injunction of "Before one who is blind in a certain matter, do not place a stumbling block" (Lev. 19;14) and transgressing the rabbinic prohibition against assisting transgressors (TB *Avodah Zarah* 55b).²

Before we address the more substantive objections, I feel compelled to question the seriousness of the charge of "misleading the blind." How could anyone be "blind" in this matter (uninformed of the issue) when so much has already been said and written?

Furthermore, there are various opinions concerning the status of women vis à vis these functions. To claim that one's own interpretation of halakhah is the *only* reasonable one is to close one's eyes to the realities of the development of halakhah. The argument that ordaining women would be violating the rabbinic prohibition against assisting transgressors is not an acceptable one.

Returning to the substantive objections, a study of the sources deal-

1. "On the Ordination of Women as Rabbis — Position Papers of the Faculty of the Jewish Theological Seminary of America," henceforth referred to as *Faculty Papers*. (This volume is not for publication or distribution.)

2. *Faculty Papers*, Dr. Israel Francus, "On the Ordination of Women," p. 9.

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ing with the functions mentioned earlier reveals that while it has been *familiar* to have men perform these functions it is *not necessarily* the case that they must be restricted to men.

This paper will argue that a woman:

- (1) can be a *mesadderet kiddushin*;
- (2) can be counted in a *minyan*;
- (3) can serve as a witness; and
- (4) that the function of the *sheliaḥ zibbur* has changed so radically that women should no longer be prohibited from serving in the capacity of *sheliaḥ zibbur* — even on the grounds given in earlier generations for such exclusion.

Legal definitions and applications are influenced by time and place, no matter what transcendent authority may be involved. When the rabbis defined a term or structured an institution, they did so both as interpreters of a historic tradition and as contemporary leaders not unmindful of the *realia* of their own time. Indeed, in some certain urgent cases institutions were dramatically changed because of significant changes in social conditions. (The well-known *prozbul*, as well as the less well-known changing of the requirements for questioning of witnesses in monetary cases come to mind.) In other cases, definitions or criteria remained the same, while new particulars were placed within them. And, in some cases, a term or institution lost its original function and took on different meaning.

I. *Mesadder Kiddushin* (wedding officiant).

One of the arguments most often raised as prohibiting a woman from serving as a *mesadderet kiddushin* is that such an officiant is a *sheliaḥ zibbur* (emissary of the congregation) *par excellence*. According to this position, *birkhat ḥatanim* (bridegroom's blessing) is recited only in the presence of a *minyan* and, consequently, the reciter would appear to be representing the whole community and acting as a *sheliaḥ zibbur* — a function, it is claimed, which women cannot perform.³

It is also claimed that traces of this idea are found in Genesis (24:60) and Ruth (4:2, 10) and, according to *Massekhet Kallah* (Chap. I), *birkhat ḥatanim* is biblical in origin.

An analysis of these arguments and sources reveals, however, that (1) the biblical sources do not refer to *birkhat ḥatanim* at all; and (2) the reciter of *birkhat ḥatanim* is not representing the community and is, therefore, not a *sheliaḥ zibbur*.

Biblical Sources

The verse in Genesis 24:60 "And they blessed Rivkah. . ." does not indicate the recitation of any blessings similar to *birkhat ḥatanim*. The continuation of this verse clearly indicates that it was a blessing given by the

3. *Faculty Papers*, Dr. David Weiss Halivni, "On the Ordination of Women," pp. 3-7.

family to their sister before she left their home. At best, the verse could refer only to *birkhat erusin* (betrothal blessing).⁴ The plain meaning (*peshat*) of the verse does not support the claim that *birkhat hatanim* is biblically ordained.

Interestingly, the *tosafot* refer to this verse as only a “support” (an *asmakhta* — a biblical verse used as a support for a rabbinical enactment), since the requirement of a *minyan* is not mentioned in the verse, and the *peshat* does not indicate that it is dealing with *birkhat erusin*.⁵ Indeed, the fact that Isaac was not present proves that it could not refer to *birkhat hatanim*.

Likewise, the verses in Ruth do not refer to *birkhat hatanim*. They refer, rather, to the witnessing of a legal transaction. Boaz collected ten men (4:2) in order to witness legal arrangements relating to the sale of Elimelekh’s property. Verse 9 clearly states: “and Boaz said to the elders and to the rest of the people, you are witnesses today that I am acquiring from Naomi all that belonged to Elimelekh. . .”

According to the Talmud, the verses from Ruth seem to indicate that a quorum of ten is required for *birkhat hatanim*.⁶ However, since the Talmud also accepts the fact that the bridegroom can be counted as one of those ten,⁷ why did Boaz gather ten men rather than nine (plus himself)? Obviously, the verse was not dealing with *birkhat hatanim* but, rather, with a legal transaction. The *tosafot* state that this verse is only an *asmakhta*.⁸

Is the messader kiddushin a sheliah zibbur?

Before answering this question some terms must be defined. (1) *Birkhat erusin* is recited before betrothal takes place. There is no talmudic source that indicates that a *minyan* is required. In fact, there is a dispute among the codifiers concerning this issue.⁹ According to Freiman,¹⁰ the reason that the requirement of a *minyan* was instituted by R. Aḥai (680-752 C.E.) was to publicize the betrothal. This need arose to help overcome malpractice and secret marriages. (2) *Birkhat hatanim* or *sheva berakhot* (seven blessings) is recited after the betrothal takes place and at the conclusion of meals for a period of seven days following the wedding.

4. See TB *Ketuboth* 7b, *Tosafot* s.v. *she-ne’emar*. See also *Bayit Hadash, Even Haezer* 34, s.v. *hamekadesh*.

5. *Even Haezer, hamekadesh*. The *Bah* (*Tur Even Haezer* 62, s.v. *ein mevarkhim*) states that *birkhat hatanim* is only a rabbinical enactment (*takkanat hakhamim*). According to the Rambam (*Hilkhoth Ishuth* 10:6) the blessings are not a necessity for the validity of the marriage (*einan mekhavot*). See also *Arukh Hashulhan, Even Haezer* 62:12.

6. T.B. *Ketuboth* 8a.

7. *Ibid.* and T.B. *Megillah* 23b.

8. See *Prisha, Even Haezer* 62, note 11.

9. *Rosh, Ketuboth* Chap. 1, 12; *Tur, Even Haezer* 34; *Shulhan Arukh, Even Haezer* 34, 4; The Rambam does not mention any requirement of a *minyan* for *birkhat erusin*.

10. *Seder Qiddushin Ve-Nissuin*, pp. 16 ff; See also I. Klein, *Guide to Jewish Religious Practice*, pp. 394-5.

The Talmud requires a *minyan* for the recitation of these blessings, and the *hatan* himself can be counted in the *minyan*.¹¹

Birkhat erusin is recited by the *mesadder kiddushin*, while *birkhat hatanim* can be recited by other individuals as well. Since there is no talmudic source for requiring a *minyan* for *birkhat erusin*, and it can be recited without a *minyan*, it follows that the reciter of the blessings is not representing a community or serving as a *sheliaḥ zibbur*. In fact, most codes permit the *hatan* himself to recite the blessing.

The Rambam states: "Anyone who betrothes a woman, whether he does it himself or through an agent, must recite a blessing before the *kiddushin*, either he or his agent. . . ." ¹² The *Tur*¹³ also states that the *hatan* can recite the blessing. The *Shulhan Arukh* concurs with the Rambam and the Rema adds: "Some say that someone else recites the blessing and that is the custom."¹⁴ Rabbi Moses of Coucy says:

In the West it is customary for the man who betrothes to recite the blessing himself before he betrothes — unlike the practice in these countries (where Rabbi Moses lived) where the betrother himself does not recite the blessing but rather someone else does.¹⁵

Rav Sar Shalom (died c. 859 C.E.) says that if there is no one competent to recite the blessing except the *hatan*, then the *hatan* recites the blessings for himself.¹⁶ Obviously, the *hatan* is not serving as a *sheliaḥ zibbur*.

An examination of the reasons given for having someone other than the *hatan* recite the *birkhat erusin* reveals that on one of them is related to the concept of *sheliaḥ zibbur*. Rav Sar Shalom says: "If there is someone else who can recite the blessing the *hatan* should not recite it for it makes the *hatan* look like an arrogant person."¹⁶ Rabbi Avraham Ben Nathan Hayarḥi is of the opinion that the *hatan* cannot recite the blessings with the proper concentration or intention.¹⁷ Still others say that the custom was instituted in order not to embarrass a *hatan* who cannot recite the blessings.¹⁸

Clearly, then the *mesadder kiddushin* who recites the *birkhat erusin* is not acting as a *sheliaḥ zibbur* representing the community. The purpose of the blessing is similar to all other *birkhot mizvah*, i.e., to recite a blessing before

11. See above notes 6, 7.

12. *Hilkhot Ishuth* 3:23.

13. *Even Haezer* 34.

14. *Ibid*.

15. *Sefer Mizvot Gadol* (SEMAG) *Hilkhot Kiddushin*, p. 125a. See also *Hagaot Maimoniyot Hilkhot Ishuth* 3:23, note 40.

16. *Ozar Hagaonim*, B.M. Levin, *Ketuboth*, p. 16.

17. *Sefer Hamanhig*, ed. Y. Rafael, Volume II page 540: "Even though in all the commandments the person who performs the commandments recites the blessing, the bridegroom, since he is harried and nervous, will not be able to concentrate on the blessing."

18. See *Turei Zahav*, *Baer Haitev*, *Beit Shmuel Even Haezer*, 34. For a full discussion of the reasons given for having someone else recite the blessings see *Sedei Hemed Hashalom* Vol. VII (*maarekhet hatan v'kallah*) p. 39, par. 18.

performing an act. Since the *mesadder kiddushin* may recite the blessings for the *hatan* (though he himself is not betrothing), the *mesadder kiddushin* is representing, at most, the *hatan* alone.

Rabbi Tzvi Hirsch Eisenstadt quotes the following discussion concerning *birkhat erusin*. It is clear that if both the bride and groom are deaf the *birkhat erusin* may not be recited, since neither one of the couple would hear it and the blessing would be recited in vain. However, if only the *hatan* is deaf, there are grounds to permit the blessing to be recited. The reason is that the bride would hear it and, therefore, the blessing would not be recited in vain.¹⁹ Obviously, according to this reasoning the bride is considered as a party to the *birkhat erusin*!

This approach is most suggestive of the conditions we find today. The bride and groom are both involved in, and considered partners in, all aspects of the decision to marry. And since the *birkhat erusin* is being recited on behalf of the woman as well as the man, there is no reason to restrict the performance of this function to men alone.

Birkhat hatanim or *sheva berakhot* are blessings of prayer and praise.²⁰ The fact that they are recited at the conclusion of meals for seven days following the wedding indicates that they are not *birkhot mizvah*, blessings to be recited before performing a specific act. Since women are not prohibited from reciting blessings of prayer and praise, there is no reason to prohibit them from reciting *birkhat hatanim*.²¹

To summarize, a woman can be a *mesadderet kiddushin* because: (1) there is no *sheliah zibbur* involved; (2) the bride is equally a part of *birkhat erusin*; (3) *Birkhot hatanim* are blessings of prayer and praise which can be recited by women; and (4) there is no biblical basis for either *birkhat erusin* or *birkhat hatanim*.

II. Minyan

Another objection that is sometimes raised involves counting women in a *minyan*. According to some, a *minyan* consists of people sharing the same obligations of prayer (*hiyyuv*). Since women's obligations in prayer are different from those of men, it is argued that women cannot be counted in a *minyan*.²² According to this argument, women should not be ordained because it would be inappropriate to exclude a woman rabbi from the *minyan* in her synagogue.

An analysis of the sources dealing with *minyan* reveals that equality of

19. *Pithei Teshuvah*, *Even Haezer* 34, note 1.

20. See, for example, TB *Ketuboth* 8a, Rashi s.v. *sameah*. See also *Mahzor Vitry* (chap. 472, p. 590) and *Siddur of R. Solomon Ben Samson of Garmaise* (ed. M. Hershler, p. 248). The *Abudraham*, Wertheimer edition (Jerusalem 5723), pp. 359 ff., has a complete discussion of all of these blessings. See also *Arukh Hashulhan*, *Even Haezer* 34, 2 ff.

21. For an example of the present day debate on this issue see Joel Wolowelsky in *Amudim* (Kislev 5743): 86-88.

22. Weiss Halivni, *Op. cit.* pp. 8-9; Francus, *Op. cit.* pp 1-2.

obligation is *not* a consideration for being counted in a *minyan*. Other criteria were used to define who could be counted in a *minyan*, and we maintain that these very criteria, when applied today, would encourage the counting of women in the *minyan*.

Biblical Sources

The requirement of a *minyan* for acts of sanctification (*devarim shebekedushah*) is found in TB *Megillah* 23b. Commenting on the *Mishnah* which lists those acts requiring a quorum of ten persons, the Talmud states:

From where do we derive the rules? Rabbi Hayya Bar Abba said in the name of Rabbi Yoḥanan, for scripture says "That I may be sanctified in the midst of the Israelite people" (Lev. 22,32), all matters of sanctification require no less than ten. How do we derive this fact from this verse? As Rabbi Ḥiyya taught, we draw an analogy from the recurrence of the phrase "in the midst." It is written here (Lev. 22,32), "That I may be sanctified in the midst of the Israelite people" and it is written there (Num. 16,21), "Stand back from the midst of this community." We draw an analogy from the recurrence of the word "community," for it is written there (Num. 14,27) "How much longer shall that wicked community." Just as there (Num. 14,17), ten are indicated, so here, too, ten are indicated.²³

The requirement of ten is, thus, based upon a loose connection among three distinct verses — with the word "community," which is used in Numbers 14, 17 serving as the proof text for the notion that a quorum consists of ten.²⁴

The main thrust of the requirement of ten for acts of sanctification, however, is based upon the verse "That I may be sanctified in the midst of the Israelite people."²⁵ This verse follows rules and regulations concerning sacrifices and states, "You shall not profane my Holy name, that I may be sanctified in the midst of the Israelite people." The *peshat* of the verse is that disobeying these laws profanes God's name, while obeying them sanctifies God's name.

Nowhere does the verse indicate that a quorum is a necessity. And the rituals mentioned in the prior verses do not require a *minyan*! In addition, nowhere in the verse does the term "Israelite people" exclude women. Since women were not prohibited, or exempt, from bringing sacrifices, for example, this verse might well be understood to include women. In

23. See TB *Berakhot* 21b for variants in this quotation both in names and in the text itself.

24. The *peshat* of the text obviously does not refer to the ten spies but, rather, to the community that accepted the report of the spies. This community must have included women as well.

25. TB *Berakhot*, 21b. This verse is used to prove the opinion that the *kedushah* (which is recited during the repetition of the *amidah*) cannot be recited by an individual but requires a community. This opinion became the accepted *halakhah*. It is interesting to note that the opposing opinion does not consider this verse as a proof that the *kedushah* requires ten.

fact, the *Mishnah* simply states “less than ten” and does not specify ten males or specifically exclude women as it does in other cases.

Rabbinic Sources

When the early codifiers state the requirement of a *minyan*, they specify *asarah gedolim u'vnai horin*, ten adults who are free (i.e., not slaves).²⁶ The codifiers understood that the *minyan* required by the *Mishnah* must be composed of what we would call “citizens of legal standing.” These individuals were to be persons who met certain criteria which enabled them to be counted in a public quorum. It is interesting to note that the only ones to be excluded were “slaves and minors”; women were not mentioned at all. Over the centuries the application of the criteria “adult and free” reflected the realities of society. Thus, certain sources specified adult free men since, in their time, free men were the only independent adults. Since women usually were not considered independent, they did not meet these criteria. However, today, are we prepared to assert that women are not independent persons? Especially in our movement, women are considered independent, free and certainly responsible! It follows, therefore, that “ten adults who are free” must now be defined without regard to gender.

Some opponents to ordination of women base their position on the following sources: Rabbi Joseph Karo states: “It (the *kaddish*) cannot be recited with fewer than ten adult free males.”²⁷ Rabbi Mordekhai Yaffe²⁸

26. Ramban *Hilkhot Tefillah* 8:4. See *Kesef Mishneh*, *Hilkhot Berakhot* 5:7 and Rambam *Hilkhot Berakhot* 2:9 where it is specified that the *minyan* cannot contain slaves or minors. The *Tur* (*Orah Hayyim* 55) states that these ten must all be free people and adults who have signs of puberty.

The *Beit Yosef*, *Orah Hayyim* 55, discusses the different points of view regarding the inclusion of one minor to complete the quorum. The *Kol Bo* 11, cites cases where even three minors could be counted. The proof text for this is *Mishnah Megillah* 4:6, which prohibits a minor from fulfilling the obligation of others, but does not prohibit a minor from being counted.

Even though most authorities do not permit counting a minor, the fact that some authorities would include minors who are not obligated proves that the equality of *hiyyuv* is not a consideration for being counted in a *minyan*. The reason given that it is permissible to count minors is that the *shekkinah* requires a minimum of ten. Therefore, any group of ten constitutes “that I may be sanctified in the midst of the Israelite people.”

The *Kol Bo* 11, quoting the *Sheilthoth* of Rav *Ahai* states that ten people who have completed their prayers and have heard *kedushah*, *kaddish*, *barkhu* and the whole order of the service, can be counted in another *minyan* to help one person who has not recited the prayers. If equality of obligation is a consideration, then people who have completed their obligation should not be eligible to be counted. Since they are counted, it follows that a *minyan* can be composed of people, some of whom are obligated and some of whom are not.

A person who is under a ban (*menudeh*) cannot be counted in a *minyan*. (Rambam *Hilkhot Talmud Torah* 7:4, *Tur*, *Yoreh Deah* 334). Even though a *menudeh* is obligated to pray, he cannot be counted. Once again, we see that equality of obligation is not a consideration for being counted in a *minyan*.

27. *Shulhan Arukh*, *Orah Hayyim* 55:1.

states that the most common meaning of *b'nai yisrael* (Israelites as used in the verse "so that I may be sanctified amongst the Israelites") is adult males. He also adds that slaves, women and minors do not count in the quorum because they are not obligated.

An examination of these sources shows that neither Rabbi Joseph Caro nor Rabbi Mordekai Yaffe proves his point. Rabbi Caro does not explain or prove why he added "males" to the requirement and Rabbi Yaffe does not prove why equality of obligation is a requirement for being counted in a *minyan*. In fact, there is no basis for this position in the Talmud itself. It is a relatively late one based upon reason alone. Indeed, this very fact compelled Rabbi David Feldman to try and prove this notion.²⁹

We have shown that the major criteria for inclusion in a *minyan* are: (1) *gedolim* — adults and (2) *b'nai horin* — free individuals. While women did not meet the latter criteria in the rabbinic period, they clearly do meet both criteria today. As their status has changed so does their eligibility for inclusion in the *minyan*. In addition, it is clear that the concept of "equality of obligation" is a late interpretation with no sources or convincing proofs. The criteria can, and should, remain the same. What has changed is the reality which now enlarges the number of those who meet the criteria.

III. *Sheliaḥ Zibbur*

Another objection to the ordination of women is based on the opinion that a woman cannot serve as a *sheliaḥ zibbur*. According to this view, since only one who is "obligated" can fulfill the obligation of others (*lehozi aḥerim yedei ḥovatan*), women — who are not obligated to pray in the same manner as men — cannot serve as *sheliaḥ zibbur*. According to this argument, women should not be ordained since one of the regular functions of a rabbi is to lead services.³⁰

An analysis of the sources reveals that the historic function of the *sheliaḥ zibbur* has changed. Fulfilling the obligations of others is no longer the function of the *sheliaḥ zibbur*. The function of the *sheliaḥ zibbur* is to ensure that the congregation prays together, and to enhance the service.

Sources

There are two terms used for the person who leads a congregation in prayer: *hazzan* and *sheliaḥ zibbur*. The terms reflect the different functions which developed for different reasons. Although these terms are often used interchangeably,³¹ the terms represent two distinct institutions.³²

28. *Levush Hatekhelet* 55:4.

29. "Women's Role and Jewish Law," *Conservative Judaism*, XXVI, 4:36. He uses the case of an *onen* as proof. For a refutation of his argument see *Birkhei Yosef* (the *Hida*) *Orah Hayyim* 55:5.

30. See above, note 22.

31. For example, *Arukh Hashulḥan*, entry *hazzan*, and *Ikar Tosafot Yom Tov* to Mishnah

Hazzan is used in tanaïtic literature to indicate several functions. For example, the *hazzan* was responsible for removing the Torah from the ark,³³ for giving instructions to the participants in the service³⁴ and for determining the abilities of the prospective Torah readers.³⁵ He was not necessarily the Torah reader, although he decided who would read and, on occasion, he himself might read.³⁶ In the rabbinic period the *hazzan* was a synagogue official similar to a sexton and elementary teacher.³⁷ *Sheliaḥ zibbur* is used to describe the person who actually leads the service and who can fulfill the obligations of others (*lehozi et harabim yedei hovatam*).³⁸

When does a *sheliaḥ zibbur* fulfill the obligations of others? According to the Rambam, when the people listen to the *sheliaḥ zibbur* and answer “Amen” after every blessing, it is as if they are praying themselves (i.e., he has enabled them to fulfill their obligation).³⁹ But, continues the Rambam, he who knows how to pray cannot have his obligation fulfilled by anyone other than himself. The *Tur* agrees.⁴⁰ However, the *Beit Yosef*⁴¹ defines the term *aino yodeah le’hitpallel* (does not know how to pray) as referring to an individual who does not know how to pray but who understands what the *sheliaḥ zibbur* is saying. But, continues the *Beit Yosef*, if he does not understand what the *sheliaḥ zibbur* is saying, then the *sheliaḥ zibbur* cannot fulfill his obligation for him.

While the *Shulḥan Arukh* states that any individual can prevent a particular person from serving as a *sheliaḥ zibbur* by insisting that he does not consent to being “represented” by him, the *Magen Avraham* qualifies this statement by saying that it refers only to those times (*bizmaneiheim*) when the *sheliaḥ zibbur* would fulfill the obligations of others by means of his own prayers. In those cases, says the *Magen Avraham*, the *sheliaḥ zibbur* is functioning as an agent, and must have everyone’s consent. But now (*attah*), when everyone knows the prayers (*bekiim*), the *sheliaḥ zibbur* serves not as the public agent, but, rather, for the recitation of *piyyutim*.⁴² Here we see a change in the function of the *sheliaḥ zibbur* from that of “fulfilling the obli-

Shabbat 1:3 and *Tur Oraḥ Ḥayyim* 124. The *Abudraham*, p. 126, says that the *sheliaḥ zibbur* is customarily called the *hazzan*.

32. See *Rosh*, *Berakhot* chapter 5, 17; *Mordekhai*, *Megillah* 817; *Tosafot* T.B. *Berakhot* 34a s.v. *lo*.

33. *Mishnah Yoma* 7:1; *Mishnah Sotah* 7:7.

34. *Tosefta Sukkah* 4:6; *Tosefta Taanit* 1:14.

35. *Mishnah Shabbat* 1:3; See *TB Shabbat* 11a and *Rashi ad loc* s.v. *ha’hazzan*.

36. *Tosefta Megillah* 3:13 and *Tosefta Kifshuta*, *ad loc.*, p. 1196.

37. Salo Baron, *A Social and Religious History of the Jews*, Vol II, p. 367.

38. See, for example, Rambam, *Hilkhot Tefillah* 8:4, 9-10; *Tur Oraḥ Ḥayyim* 128; *Shulḥan Arukh Oraḥ Ḥayyim* 53:19; 128:1, *Arukh Hashulḥan Oraḥ Ḥayyim* 124.

39. Rambam, *Hilkhot Tefillah* 8:4, 9-10, and 9:3, 9.

40. *Oraḥ Ḥayyim* 124.

41. *Ibid.* s.v. *u’leahar*.

42. *Oraḥ Ḥayyim* 53:19, note 20. *Kaddish* is recited by mourners who are not acting in the capacity of *sheliaḥ zibbur*, and the congregation can be a respondent to the doxology. It may be recited only if a *minyān* is present but that does not mean that it requires a *sheliaḥ zibbur*. It is widely accepted that women may recite *kaddish* and the congregation may respond.

gation of others” to that of leading a recitation (for which there is no issue of obligation).

The *Arukh Hashulhan*⁴³ refers to certain earlier views regarding obligations which may be fulfilled by the *sheliaḥ zibbur*. One can fulfill one’s obligation in any of the following ways: (1) by reciting the prayers in Hebrew whether or not one understands Hebrew; (2) by reciting the prayers in another language which one does understand; (3) by listening and understanding every word which the *sheliaḥ zibbur* recites⁴⁴ and, some say, by reciting every word with the *sheliaḥ zibbur* even if one does not understand.

Today, when all of our congregants have prayer books with translations for those who cannot read Hebrew, and often explanatory notes, we are in the category of competent worshippers (*bekiim*) and our obligations cannot be fulfilled by a *sheliaḥ zibbur*.

It is true that the *Shulḥan Arukh*⁴⁵ stipulates that the *amidah* should be repeated even if the entire congregation has prayed and is competent, the reason given for this practice being *lekayem takkanat ḥakhamim* (to maintain an established custom).⁴⁶ Clearly, the repetition does not serve as an opportunity to have one’s obligation fulfilled by the *sheliaḥ zibbur*! In our synagogue there is no “agency” involved; the *sheliaḥ zibbur* today is in reality a *hazzan*, a leader of the recitation, who ensures that the *minyan* actually prays together,⁴⁷ and who helps the congregation in enhancing the service.

43. *Orah Hayyim* 124.

44. Commenting on the word “*yekhaven*” used by the *Tur* and *Shulḥan Arukh* (*Orah Hayyim* 124, 1), the *Beit Yosef* and *Magen Avraham* interpret it to mean “understand,” for otherwise “*yekhaven*” is an inappropriate word.

45. *Orah Hayyim* 124, 3.

46. The reason why this repetition will not be considered a *berakhah le-vattalah* is precisely because of the *takkanah*. The rabbis did not want to differentiate between various *minyanim* and, therefore, decreed that the *amidah* should always be repeated. Similarly, in the case when there is no one benefitting from the public recitation of *kiddush* and *berakhah aḥat me-ein sheva*, the reciter is not acting as a *sheliaḥ zibbur*. To omit any of the above would be a case of a rule that varies according to circumstances (*natatah devarekha leshiurin*) and the rabbis refrained from doing that.

A different reason given for the repetition of the *amidah* in a congregation that is competent is to enable the congregation to recite *kedushah* (*Arukh Hashulhan*, *Orah Hayyim* 124.3 quoting the *Tur*.) Once again, the person leading the service is not acting as an agent to fulfill the obligations of others.

47. With regard to *kaddish*, see note 42. In the recitation of *barkhu* the leader is not serving as an agent who fulfills the obligation of the congregation, but, rather, offers the congregation the opportunity to respond. This is exactly what occurs when a person recites the blessing before the *Torah* reading. It is interesting to note that the Codes refer to fulfilling one’s obligation only in the case of the repetition of the *amidah*. Concerning *kaddish* and *barkhu* the Codes talk about responding (*onim*). In addition, it was customary for the congregation to recite a prayer while the leader recited *barkhu* (see *Tur*, *Orah Hayyim* 57). If one must listen in order to have his obligation fulfilled, the leader in this case would not be fulfilling the obligation of the congregation, since the congregation is reciting a prayer at that time. As far as *kedushah*, there is no talmudic requirement to say it (*Kol Bo*, *Hilkhoth Tefillah*, 11).

On traditional grounds there is no reason to deny a woman the opportunity to serve in this capacity.

IV. *Edut*

A major objection to the ordaining of women as rabbis is the fact that, in past generations, women were prohibited from serving as witnesses in most cases. Since a rabbi often serves as one of the witnesses (e.g., for the *ketubah* or *get*), a woman rabbi would be expected to serve in a dubious role!

It has been demonstrated elsewhere that even according to those who maintain that the prohibition of women as witnesses is biblical (*deoraita*), a recourse is available in the concept *yesh khoah beyad hakhamim la'akor davar min hatorah* (abrogating even a norm which is *deoraita*).⁴⁸ But, while this can, of course, be the solution *if* one believes that the origin and authority of the prohibition is biblical, it is by no means clear that the prohibition is in fact, biblical. The sources indicate that women were prevented from serving as witnesses for precisely the same reason that they were not counted in the *minyan*;⁴⁹ these were social and functional — and reflected the realities of those times.

While it is true that the *gemara* derives the prohibition from biblical verses,⁵⁰ this in itself does not make it a biblical injunction. The derivation of the requirement of ten for a *minyan* from biblical verses did not make the requirement biblical in nature.⁵¹ The fact that biblical verses are cited in the talmudic answer to the question “how do we know . . .” (*menah hanei melei*) is not proof that the injunction is biblical, rather, it is an attempt to attach an existing practice to biblical verses. *Adam dan gezeirah shavah lekayem talmudo* — indicates that a known practice or law whose source or origin is no longer known can be “derived” by means of *gezeirah shavah*, thereby “attaching” the practice to biblical verses.⁵² The Rambam refers to the prohibition as biblical. However, he rejects the proof texts used by the *gemara*. Instead, he writes that the verse “by the mouth of two witnesses” (Deut. 17:6) is stated in the masculine and not in the feminine.⁵³ The *Kesef Mishneh* (*ad loc*) says that this proof is not a satisfying one since the whole Torah is written in the masculine form.⁵⁴

48. *Faculty Papers*, Dr. Joel Roth, “On the Ordination of Women as Rabbis,” pp 29-45; 59.

49. See above, Section on Rabbinic Sources, pp. 60 and 61.

50. TB, *Shevuot* 30a.

51. See above, Section on Biblical Sources, p. 59.

52. TB *Pesahim* 33a (Chap. 6:1). In this case we do not have to worry about the possibility of misusing this rule of hermeneutics due to the fact that the outcome is already known.

53. *Hilkhos Edut* 9:2. See also SEMAG, *lavim* 214. However, the SEMAG does not say *min hatorah* in the case of women, but he does say *min hatorah* in the case of *reshaim*. It is noteworthy that the *Tur*, (*Hoshen Mishpat* 35) omits women from the list of incompetent witnesses.

54. Similar objections are raised by the *Kesef Mishneh* and *Lehem Mishneh* concerning the proofs used by the Rambam for prohibiting slaves and fools from serving as witnesses.

It seems clear that, while the prohibition was generally accepted, its origin or source was not clear. (Perhaps that is why the Rambam wanted to strengthen the prohibition by stating that it was biblical. The *Shulḥan Arukh* simply states that a woman is unfit to serve as a witness without attributing this rule to the Bible.⁵⁵ Thus, it seems clear that for important elements within the tradition itself, the prohibition against women serving as witnesses is not necessarily biblical (see footnote 53).

The rabbis did permit women to serve as witnesses in certain cases. Commenting on the Mishnah's "any testimony for which a woman is not fit, those persons also are not fit," the *gemara* says "but if a woman is fit, they are also fit."⁵⁶ From that we can deduce that in the time of the Mishnah women were considered acceptable as witnesses in certain cases and excluded from others.

The areas from which they were excluded are those in which they would not be knowledgeable or reliable due to their lack of experience or interest. For example, their material status depended upon their husbands or fathers and, therefore, women were not conversant with, or interested in, monetary matters. The social reality was that women did not fit the definition of *gedolim u'venai ḥorin* — "free adults."⁵⁷ Today, of course, we no longer make this claim. Contemporary women have careers, are involved in business (including the legal and fiscal fields) and are as competent as men in practical matters. Therefore, we must reclassify the status of women vis-à-vis *edut* based upon the realities of our era. Here, once again, the criteria can, and should, remain the same. What has changed is the reality which now enlarges the number of those who meet the criteria.

Some Afterthoughts

It may well take time before the acceptance of women's testimony will be legitimized in traditional Jewish law. In any event, the politicized religious establishment in Israel would negate any position and denounce any action by the Conservative movement in the field of halakhah. This fact has not stopped Conservative Judaism from acting in such areas as conversion and divorce. It should not stop us in the area of *edut* — or in the area of women's ordination!

55. *Hoshen Mishpat* 35, 14.

56. TB *Rosh Hashanah* 22a. See *Torah Temimah*, *Devarim* 19:15 note 44 and *Encyclopedia Judaica*, Vol. 16, 586 for a list of cases where women are admitted as competent witnesses. See also *Faculty Papers*, Dr. Robert Gordis, "On the Ordination of Women," pp. 8-9.

57. See above p. 10. It is interesting to note that the *Encyclopedia Talmudit* (s.v. *ishah*) when discussing the status of women as witnesses uses the term "trust worthiness" as the topical sub-heading rather than "*edut*".

Suggestions for Alternatives

EMANUEL RACKMAN

THE ORDINATION OF WOMEN BY THE REFORM rabbinate presents no problem since that group does not feel bound by the Halakhah and does not require that its religious functions be performed in accordance with it. The Conservative rabbinate, on the other hand, does feel bound by the Halakhah although it is more receptive to innovation than are the Orthodox. With regard to the ordination of women, its membership is sharply divided. Is it in good taste for one as identified with the Orthodox, as I am, to become involved in the controversy? What is even more important, do I have any unique insight to add to those already expressed by the many who have been privy to the debate from the beginning?

For the Orthodox, there is not yet a problem. Among the Orthodox, instead of a campaign for the ordination of women there is unrelenting pressure for more extensive differentiation between males and females, higher partitions in the synagogues, the elimination of co-educational schools even at elementary school levels and, certainly, at secondary school levels and in religious universities, and even the denial to women of regular membership in congregations and on their boards of trustees. Orthodox women themselves are wearing head covers, avoiding mixed swimming, raising larger families, and observing much that their mothers and grandmothers did not. In such a climate it is unthinkable that a Yeshiva would provide women with advanced training in Talmud and Codes, without which ordination is impossible. Nonetheless, even the Orthodox must admit that the issue pertains less to Jewish law than it does to the psychology of Jews and the sociology of the Jewish community. Orthodox Jews ought to be honest and say so.

Many years ago, an inspired and committed young woman wrote to me of her intention to become a rabbi. She knew that at least one rabbinical seminary admitted females but her preference was for a more traditional institution. She had already donned the prayer shawl and phylacteries but she wanted to achieve proficiency in the subjects which would qualify her for *Smikhah*. In counselling her I had to utter words of caution. I could not tell her not to pursue the course of study she wanted, but I had to make her aware of the realities of the Jewish scene.

First let me clarify what we mean by the title "Rabbi." According to

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Judaism, a rabbi is not a clergyman. By that, I mean that he does not have any unique sacramental power. He is hardly more than a layman learned in the law. His *Smikhah* is not ordination in the Christian sense of the term, but simply attests to the fact that he is a master of Jewish law — as members of the bar in the United States are deemed masters of federal and state law.

A rabbi does not “solemnize” marriages — he only monitors what brides and grooms must do. At religious services he has no special function or role whatever. One does not have to be a rabbi to preach — anyone with something to say can do so. If a rabbi presides at a conversion or a divorce — he does so as a judge, knowledgeable in the law, and a layman equally knowledgeable can do the same.

In effect, therefore, *Smikhah*, to a rabbi, is what the L.L.B. degree and admission to the bar are to a lawyer. Rabbis, therefore, are not like Catholic priests or Protestant ministers. And anyone can become a rabbi — anyone can become master of that learning which makes one qualified to answer questions of Jewish law — male or female, legitimate or illegitimate, physically sound or painfully deformed.

Thus, I would say to any woman who craves Jewish learning with all her heart, “Apply yourself. Master it. Many women have done it before and you can do it, too.” Perhaps formal admission to a yeshiva will be impossible. It may be necessary to achieve the goal by private tutoring. But many males do it that way as well.

Moreover, it may be difficult to find a rabbi who will sign a formal document authorizing a woman to resolve questions of the Jewish law. But even the formal document has no special significance. It is the knowledge that counts. And that knowledge is what creates the authority — not a formal grant of it. Jews may consult anyone with the required knowledge and not necessarily one who has a diploma.

The real problem that the young woman will face is a practical one. Will she be consulted? I would hope that many will seek her out — especially women who have religious problems which they feel too embarrassed to discuss with men. But not even constitutional amendments upholding Women's Lib can force men to seek the religious authority of men and women equally. Religious freedom means nothing if not the absolute freedom to choose one's own religious authority. And most Jews will still consult men.

However, what will be even more frustrating to the young woman is the reluctance of congregations to hire her for the pulpit rabbinate. Orthodox synagogues would not object to her preaching at women's functions or services but they will not permit her to preach when men and women attend the same service. Even Conservative congregations will hesitate to do so, insofar as they would not want to risk a great loss of members which the revolutionary phenomenon of a female preacher would precipitate.

There are, however, some specific tasks which a woman could not perform even if she were to know more than all the men in her circle. With respect to these tasks she is disqualified simply because she is a woman and Halakhists have not yet found a way to eliminate the disqualification. Many years ago, Rabbi Meir Bar-Ilan suggested a halakhic way to make possible the appointment of female judges in a democratic society and the competency of females to testify in legal proceedings (not capital cases). However, there are a few instances to which his proposal would not apply and in them only males can act. And, while these instances are few in number, they are precisely the ones in which male rabbis, committed to the Halakhah, may have to decline participation with female rabbis — to the embarrassment of both.

In the case of marriages, for example, it happens frequently that more than one rabbi officiates. Each family usually brings its own favorite spiritual leader. It might happen that one such would be a woman and her colleague might be one who would have to decline to coofficiate with her, disqualifying her only because of her sex. She could not be a witness to sign the Ketubah or attest to the ring ceremony!

And that is not all. If the Conservative movement undertakes to encourage women to prepare for the pulpit rabbinate, it will not only contribute to embarrassing situations between rabbis, but it will also further widen the breach between the Orthodox and the Conservative. Perhaps the movement has given up on this issue and has decided irrevocably to tighten its bonds with the Reform movement. Certainly the intransigence of the Orthodox with regard to “recognition” in Israel strengthens that trend. Yet, there are many Conservative rabbis who feel differently about moving too far way from the Orthodox and their sentiment is worthy of consideration. In Israel, they would much rather have a banner of their own as pro-Halakhists than appear as rabbis resisting the requirement that conversion to the Jewish faith shall be “according to the Halakhah.” Similarly, the ordination of women by their group, as in the Reform group, will add to their discomfort among their own colleagues.

Despite all of the foregoing considerations, I feel strongly that more and more women ought to become expert Halakhists. One of them might one day do for the study of Talmud what Nechama Leibowitz has done for the study of Bible. Moreover, they might contend with peers in Talmudic erudition for the solution of many problems of Jewish family law that still trouble both them and those males who empathize with them. And there are career areas in which they are notoriously underrepresented.

One such area is academia. I suggested to the young woman who wrote to me that she consider it. Another area is communal affairs. Altogether too few communal servants are Jewishly knowledgeable. Even in fund-raising for Jewish causes she could do much. Most of the wealth of Jews continues to be in the control of Jewish women — married or wid-

owed — and they have not yet learned to be as generous in philanthropy as men have been. Perhaps a very learned and committed Jewish woman would be more effective in goading them to do their duty than the males have been.

Last but not least, I say to the young woman, "Pursue your chosen course for no professional reason whatever. Men should study Torah, not to become rabbis but because it is their right and their duty. In our day, Jewish survival requires knowledgeable Jewesses even more than it needs knowledgeable males. We are paying heavily for our neglect of the distaff side for altogether too many generations."

Needless to say, not all Orthodox rabbis agree with me. But I am happy to report that among the greatest of our day there are those who did give their daughters the same exposure to Torah that they gave to their sons — and sometimes with greater rewards. That the yeshivot are slow to follow their example is to be bemoaned. Equality of males and females in Jewish education is a desideratum.

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Ordination of Women: an Halakhic Analysis*

JOEL ROTH

AN HALAKHIC ANALYSIS OF THE ORDINATION of women requires consideration of three different areas: the status of women vis-à-vis the *mizvot* from which they are exempt, women as witnesses, and the ability of women to fulfill the classical functions of the rabbinate — teaching, judging, and rendering legal decisions. The first two areas apply to all women, not only to those who seek ordination. They must be considered in this context, however, because they impinge upon the functioning of the modern rabbi.

Nothing could be more abundantly clear than the fact that there are *mizvot* from which women are legally exempt.¹ Nonetheless, there are four questions that must be addressed regarding these *mizvot*: 1) May women observe them, and may they recite the appropriate blessings? 2) If they may, is their observance of them governed by all of the same rules as is the observance by men of these same *mizvot*? 3) Can there be any element of obligation for women who choose to observe them? 4) If so, can that obligation have the same legal status as the obligation of men?

The first two of these issues have been dealt with by classical legalists quite extensively already, and a brief summary of the views will suffice.

There are three basic positions regarding the right of women to observe the *mizvot* from which they are exempt. The most restrictive one is espoused by the Ravad, who asserts that women may not observe the commandments from which they are exempt.² All that the Ravad would per-

* I have written a responsum on the subject of ordination of women for the faculty of The Jewish Theological Seminary. This article is an abbreviated version of that responsum, eliminating much of the detailed halakhic argumentation, but retaining the salient points.

1. Generally, these are categorized as *Mizvot aseih she-ha-zeman geraman*, positive time-bound commandments. The categorization is imperfect, however, since there are positive time-bound commandments that women are obligated to observe (e.g., eating *mazah* at the Passover *seder*), and positive time-bound *mizvot* from which they are exempt (e.g., the study of Torah).

2. See his *Commentary to Sifra*, par. #2, Weiss edition, 40. The Ravad attributes the anonymous view of the *Sifra*, which forbids women from laying their hands on the head of a burnt-offering, to Rabbi Meir and Rabbi Yehuda, whose prohibitive position is also reflected in *Mishnah Rosh Hashanah* 4:8.

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mit is the fulfillment of a *mizvah* by the mere physical presence of the woman, like sitting in a *sukkah*.

One step less stringent is the view codified by Maimonides, who writes:

Women, slaves and minors are exempt by the law of the Torah from *zizit* . . . Women and slaves who wish to enwrap themselves in *zizit* may do so without reciting the blessing. And similarly, all other positive commandments from which women are exempt may be performed by them, without blessings, and they should not be prevented from doing them.³

Maimonides allows the actual performance of the actions which constitute the *mizvah*, but insists that the actions remain free of any intimation that the act is performed *qua mizvah*.

The most lenient position is that of Rabbenu Tam, who permits both the observance of the *mizvah* and the recitation of the appropriate blessings.⁴ In general, Sephardim have adopted the position of Maimonides, and Ashkenazim, the view of Rabbenu Tam. Thus, for example, Caro writes: "Although women are exempt, they may blow the *shofar* . . . but may not recite the blessing."⁵ Isserles adds: "The custom is for women to recite the blessings on positive time-bound commandments. In this case, too, they may recite blessings for themselves."⁶

Thus, there is ample halakhic precedent to allow women to observe positive time-bound commandments, and to recite the appropriate blessings.⁷

On rare occasions, the observance of one *mizvah* supersedes, or may supersede, the violation of another. Sacrifices that are offered on *Shabbat* are an example, and the right to wear *zizit* of mixed species is another. One might, therefore, argue that the right to violate a *mizvah* in the performance of another is restricted to those who are obligated and does not extend to those whose observance is voluntary.

This issue is addressed directly in the Yerushalmi by Rabbi Elazar who said: "The paschal sacrifice of women is voluntary, but takes precedence over *shabbat*."⁸ Furthermore, even the Ravad, whose position on the right of women to observe the *mizvot* from which they are exempt was most restrictive, claims that those who allow women to observe permit the observance to be identical with that of men, even if it may involve a biblical

3. *Zizit* 3:9. Cf. the comment of the *Haggahot Maimoniyot*, Ibid., letter *mem*.

4. *Tosafot Eruvin* 96a, s.v. *dilma*, and parallels.

5. *Shulhan Arukh, Orach Hayyim* 589:6.

6. See also *Responsa of Rashba*, vol. I, #123; Rabbi Yaakov Halevi, *Teshuvot Min Hashamayim* (Tel Aviv, 5717), #1.

7. For a discussion of the propriety of including the phrase "who has commanded us" by women who are not commanded, see *Hiddushei ha-Ran* to *Rosh Hashanah* 33a, s.v. *ve-etn*, and *Ritba* to *Kiddushin* 31a, s.v. *ve-yesh dohin*.

8. *Kiddushin* 1:7, 61c and *Pesahim* 8:1, 35d. Cf. Bavli *Pesahim* 91b. The comment of the *Korban Ha-Edah* on the Yerushalmi is an obvious attempt to "correct" the Yerushalmi on the basis of the question of the Bavli.

prohibition.⁹ Once the voluntary assumption of *mizvot* by women is recognized as valid, no distinction can be made between men and women regarding the nature of the observance.

The third question posed above was: Can there be any element of obligation for women who choose to observe the *mizvot* from which they are exempt? In dealing with this question it is necessary to ask, first, whether a state of obligation can be created by voluntary observance, even for men?

The ninth century Code, *Halakhot Gedolot*, is the earliest to deal with the question.¹⁰ Its author declares that one who forgot to mention either the *shabbat*, or *yom tov*, or *hol hamoed* in his recitation of the evening *amidah* must repeat it, even though the evening service is voluntary. He explains: "If one has already made the effort and prayed, and erred by forgetting to mention [the special occasion], he has already accepted it upon himself as an obligation, and must pray it over again."

The thesis of the *Halakhot Gedolot* is utilized in the late twelfth or early thirteenth century by the Ravia (Rabbi Eliezer ben Joel Halevi). Regarding the question of whether one who has forgotten to recite the special addition for *Hanukkah* in the Grace after Meals must repeat the grace, the Ravia asserts that, even though the insertion of the special addition is voluntary,¹¹

nonetheless, since it is the widespread custom to mention it [*Hanukkah*], and one who is reciting the grace is doing so with the intention of mentioning it, he accepts it as an obligation and must repeat. And my proof is from the *Halakhot Gedolot*. . .¹²

Neither of these examples of voluntary obligation should be taken lightly, for they both require the re-recitation of benedictions which, from a strict legal sense, had actually been sufficient as recited the first time.

Rabbi Shimshon bar Zadok, a student of Rabbi Meir of Rothenburg, also speaks of voluntary obligation. Women, he wrote, "should not be prevented from wearing *zizit* and reciting the blessing, for they are allowed to obligate themselves."¹³

In a slightly exaggerated statement, Isaac Di Molina, in the late sixteenth century, wrote that, though women are exempt from the obligation to recite the Additional service, "they are already accustomed to pray everything, and they have obligated themselves for all *mizvot*."¹⁴

Finally, in the latter third of the seventeenth century the following comment appears in the writings of Rabbi Abraham ben Hayyim Halevi

9. *Sifra*, par. #2.

10. *Hilkhot Tefillah* (Ezriel Hildesheimer edition), p. 29. Cf. *Siddur Rashi*, #130.

11. *Shabbat* 24a.

12. *Sefer Haravia*, Part II, #563 (Aptowizer edition), p. 284, quoted by *Haggahot Maimoniyot, Hilkhot Berakhot*, Chapter 2, letter *het*.

13. *Sefer Tashbez*, #270 (New York, 5730), p. 20a.

14. *Responsa Besamim Rosh*, #89.

Gumbiner, the *Magen Avraham*: “Women are exempt from counting the Omer since it is a positive time-bound commandment. Nonetheless, they have already accepted it upon themselves as an obligation.”¹⁵

Of the five passages regarding voluntary obligation, three (Ravia, Di Molina and Gumbiner) seem to predicate it on widespread and longstanding acceptance of obligation by the non-obligated class. The passages from the *Halakhot Gedolot* and the Tashbez, however, make no such stipulation.¹⁶

It is clear, therefore, that the term “obligation” is applicable to self-imposed observance of *mizvot* from which one is legally exempt. We must now analyze whether or not that status can be legally equivalent to the status of one who is obligated non-voluntarily.

The question of the status of self-imposed obligation is both theological and legal. Though the two aspects cannot always be separated, our primary concern is for the legal significance of the status.

In theological terms, the question is whether failure to fulfill one’s self-imposed obligation is sinful, as is failure to fulfill an obligation that is not self-imposed. Legally, on the other hand, the question is significant only for two areas: agency and counting toward a required quorum. That is, can one whose obligation is self-imposed serve as the agent for those whose obligation is not self-imposed, and can he be counted toward a quorum wherever one is required.

One source seems to dictate a negative answer to the agency question. The Mishnah read: “This is the principle: Anyone who is not obligated for a matter cannot be the agent through whom others fulfill their obligation.”¹⁷ We have already seen, however, that the term “obligated” (*meḥuyyav*, as opposed to *mezuveh*, which means “commanded”) is applicable to self-imposed obligations. Furthermore, the principle in the Mishnah is prefaced by: “A deaf-mute, imbecile, or minor may not serve as the agents through whom others fulfill their obligations.” The obvious omission of women from the preface becomes very significant when one notes that the three categories stipulated in the preface could have no element of obligation attached to their voluntary observance because they are mentally, and therefore legally, incompetent. Surely that same statement cannot be made about women. Hence, the Mishnah does not itself preclude the possibility that those with self-imposed obligation could be agents for others.

It is most probable that the answer must be sought in the dictum of Rabbi Ḥanina: “Greater is one who is commanded and fulfills than one

15. *Shulḥan Arukh, Oraḥ Ḥayyim*, 489, *Magen Avraham*, par. #1.

16. I am aware that some will raise the issue of the *onen* as a counterproof to the idea of voluntary obligation. I have dealt with this case in the original and much longer version of this paper which was submitted to the faculty of the Seminary.

17. *Rosh Hashanah*, 3:8, 29a.

who is not commanded and fulfills.”¹⁸ Though the classical commentators offer variously worded explanations of Rabbi Ḥanina’s statement, the thrust of them is the same. One who is commanded is greater because failure to comply is not a viable option for him; the authority of the *mizvot* makes failure to comply a sin.¹⁹ The non-commanded, however, can renounce his voluntary obligation without guilt or remorse.

Rabbi Ḥanina’s dictum makes good sense if it is intended to refer to the distinction between Jews and non-Jews. The latter do not think in terms of “commandedness,” and their fulfillment of *mizvot* is ultimately self-serving. Jewish women, though, are bound by most *mizvot*, and the mind-set of “commandedness” exists for them vis-à-vis those *mizvot*. It seems, indeed, most likely that they would apply that preexistent mind-set to any *mizvot* which they accepted upon themselves voluntarily. In fact, the behavior of Jewish women over the ages supports their contention, for they have been very punctilious in the observance of the *mizvot* which they have accepted upon themselves, like *lulav* and *shofar*. They do not take self-imposed obligation lightly. There is no “take it or leave it” attitude.

Thus, since only a “take it or leave it” attitude could possibly justify the distinction between self- and other-imposed obligations, it follows that Jewish women who accept as self-imposed obligations *mizvot* from which they are exempt, recognizing failure to comply as a sin, could both count in a *minyan* of obligated persons and serve as the agents for others.²⁰

The second major area that we said had to be considered was the question of women as witnesses in Jewish law. This issue is both far easier and far more complicated than the issue of their observance of *mizvot* from which they are exempt.

It cannot be denied that the legal sources are unequivocal in prohibiting women from serving as witnesses. Furthermore, though the specific manner of the derivation of the prohibition may vary from source to source, all sources clearly indicate that the prohibition is *de-oraita* (i.e., has biblical status).²¹

18. *Kiddushin* 31a and parallels.

19. See, for example, *Tosafot Kiddushin*, *Ibid.*, s.v. *gadol*; *Tosafot Avodah Zarah* 3a, s.v. *gadol*; and *Ri Hazaken, Kiddushin*, *Ibid.*

20. In my paper for the faculty I also deal with their right to be counted toward a *minyan* for *birkat ḥatanim*.

21. *Sifrei Devarim*, *piska* #190 (Finkelstein edition, p. 230), derives the prohibition from a *gezerah shavah* based on Deut. 19:17 and 19:15. The Bavli (*Shevuot* 30a) quotes three different *baraitot* that seek to demonstrate that *shenei ha-anashim* (Deut. 19:17) refers to witnesses. In each case the assertion is followed by a counter-claim, that it refers to the litigants. In each case the counter-claim is itself refuted. Yet, each concludes that *shenei ha-anashim* can be demonstrated to refer to witnesses by *gezerah shavah*. Whether the prohibition according to the Bavli is based solely on the logic of the verse, or on the logic of the verse buttressed by the *gezerah shavah*, or on the *gezerah shavah* alone, it is clearly of *de oraita* status. Finally, Maimonides codifies the prohibition, in *Edut* 9:2, on the basis of Deut. 17:6, which he takes to

For some, all discussion must now end. No attempt to understand why the sages saw fit to interpret the Torah to exclude women from testifying is warranted. The prohibition is clear, and human analysis is speculative and subject to error.

Others, however, feel compelled to pursue the matter. The sources which serve as the ground for the prohibition intimate no exceptions. Yet, there are exceptions. Certain types of testimony are even referred to as "testimony for which women are fit."²² Exceptions to a blanket prohibition beg for some speculation on the underlying reason for the prohibition that accounts for them.

It seems eminently reasonable to claim that the disqualification as witnesses of an entire class makes sense only if one could assert that the class possesses some characteristic that renders it unreliable. Thus, imbeciles are unreliable because of their lack of mental competence. Relatives are unreliable because their very closeness to the litigant makes them suspect to lie in his favor. And, it must be stressed, the disqualification of a class is predicated on the claim that, as a rule, there is sufficient suspicion to warrant its disqualification. It does *not* assert that all members of the disqualified class are *always* unreliable.

It is all but undeniable that the rabbinic stereotypes of women would be sufficient to disqualify them as an unreliable class. The rabbis viewed the "ideal" woman as basically restricted to her home,²³ not part of the world of the court, or commerce, or academics. "Women," said the rabbis, "are unreliable (*da'atan kallot aleihen*)."²⁴ They are talkative embellishers,²⁵ greedy, eavesdroppers, lazy, jealous, querulous, garrulous, thieves and gad-about.²⁶ With such characteristics, it seems most reasonable to assert that they were disqualified for cause. Indeed, only the assertion that their disqualification was for cause allowed one to understand the exceptions to the general disqualification.²⁷

Yet, nobody should misunderstand any of the above to imply that the

exclude women since the words *shenei edim* are masculine. According to him, too, the prohibition is unequivocal and *de-oraita*.

22. E.g., Mishnah *Rosh Hashanah* 1:8.

23. See Psalms 45:14 and *Shevuot* 30a.

24. *Shabbat* 33b, *Kiddushin* 80b.

25. *Kiddushin* 49b.

26. *Bereshit Rabbah* 45:5 (Theodor-Albeck edition), p. 452f.

27. Thus, for example, the natural empathy of women for an unmarried woman, coupled with the fact that even an incorrigible embellisher would not lie if she thought she would be caught in the lie, allowed the sages to accept the testimony of a woman about the death of another woman's husband (Mishnah *Yevamot* 16:7; cf. Maimonides, *Gerushin* 13:29). Even the exception to this exception, namely, the five categories of women who cannot testify even about the death of the husband (Mishnah *Yevamot* 15:4), makes perfect sense. Similarly, women are acceptable as witnesses in areas that fall within the "world" of women, at least partially because of their "nosey" nature, like noticing clothing, jewelry, etc. (For a partial listing, see Rema in *Hoshen Mishpat* 35:14.)

prohibition against women as witnesses is anything but *de-oraita*. It is *de-oraita*.

Of all the possible reactions and responses to the status of women as witnesses, only one seems tenable to me. It is to assert that the original justification for the prohibition is the only conceivable one, that the nature of women has changed (even if it ever were as portrayed by the rabbis), that the change is desirable, and that failure to attempt some halakhically justifiable remedy to an untenable situation reflects more a lack of seriousness about *halakhah* than a commitment to it.

In the final analysis, there is only one possible viable remedy.²⁸ It is based on the principle that the sages have the right to abrogate even a norm that is *de-oraita*, not only passively, but actively.²⁹ Though the general precedent allows only passive abrogation, there is widespread agreement among *posekim* that active abrogation is permissible when deemed warranted by the sages.³⁰ Those who are serious about *halakhah* must be willing to advocate and take this ultimate halakhic step.³¹

Regarding our final area of inquiry, the ability of women to fulfill the classical functions of the rabbinate, we begin with the unequivocal statement of Maimonides, who wrote: "No woman may reign as sovereign . . . and, similarly, nobody but a man may be appointed to any appointment among Jews."³² Though the ordination of women would be forbidden *de-oraita*, according to Maimonides, it must be stressed that the latter half of his statement is his own extrapolation, neither affirmed by other *posekim* nor recorded in other codes. Indeed, it seems plausible that Maimonides expanded upon the norm prohibiting women as sovereigns because of his own view of the mental competencies of women, who have inferior intelligence.³³ In the absence of any rabbinic source to support Maimonides, women should not be disqualified from ordination even on the grounds of *safek de-oraita* (i.e., a chance that it is, in fact, biblically forbidden).

Another source that might be misunderstood to proscribe ordination for women is found in the Midrash,³⁴ which attributes to Manoah the claim that women are not *benot hora'ah*. Taken out of context those words could mean "competent to render legal decisions." In context, however,

28. In my paper to the faculty I deal with two other alternatives which are, in my opinion, not viable.

29. See *Yevamot* 89b-90a for the *locus classicus* of the principle, and chapter seven of my forthcoming book, *The Halakhic Process: A Systematic Analysis*.

30. See, for example, *Tosafot Nazir* 43b, s.v. *ve-hai*. Interestingly, the final proof of the *Tosafot* is the fact that the right of a woman to testify about the death of her husband (*Mishnah Yevamot* 15:1) is itself an active abrogation of the prohibition and is universally recognized.

31. I have recommended that the faculty of the Seminary meet as a Synod for this action.

32. *Melakhim* 1:5, paraphrasing *Sifrei Devarim*, *piska* #157 (Finkelstein edition), p. 208.

33. *Talmud Torah* 1:13.

34. *Bemidbar Rabbah* 10:5, based on Judges 13:12.

they clearly mean: "Women don't know how to take directions." The biblical angel's response, however, puts Manoah in his place. He is twice told: "Do as I told the woman."

Of the functions that a modern rabbi serves *qua* rabbi, only two have not yet been dealt with, and only one is a serious question: the right of a woman to teach the law and her right to serve as a judge. We shall deal with the latter, in the course of which the former will also be resolved.

The Mishnah states: "Whoever is fit to judge is also fit to testify, though some are fit to testify even though they are not fit to judge."³⁵ If the first clause means, "Those and only those who are fit to be witnesses could ever be fit to judge," women are obviously excluded. The Tosafot, *inter alia*, understand the clause that way and are, therefore, troubled by the biblical Deborah, whose judging would have been in violation of the law. They offer three resolutions, all of which bear on our subject.

First, they claim that perhaps Deborah did not actually judge, but served as the teacher of the law to others so that they could judge.³⁶ Though this answer affirms the prohibition against serving as a judge, it posits as virtually incontestable the fact that a woman may teach the law.

Second, they continue, the Mishnah may be positing contingency of judging and witnessing only for those for whom witnessing is a real possibility. The clause should be understood: "Those and only those *men* who are fit to be witnesses could ever be fit to judge." Women, however, might judge even though they could never be fit to witness. According to this response, women are not prohibited from judging.

Finally, they assert, the people may have accepted her as a judge, even though she was technically disqualified.³⁷

In the final analysis, therefore, there is no legal objection to granting the title of rabbi to a woman. The only rabbinic function that might be questionable is judging, regarding which there is support for the claim that women are not disqualified. Even if that is rejected, however, a woman rabbi serving a community would be acceptable as a judge on the grounds that they have accepted her upon themselves, since rabbis today are selected by the communities whom they serve.

It is my opinion, therefore, that there is no halakhic objection to ordaining women as rabbis. However, since one of the functions of the modern rabbi is to serve the community as an example *par excellence* of commitment to the study of Torah and the observance of *mizvot*, it seems to me that only women who accept upon themselves the obligation for the *mizvot* from which they are exempt should be ordained. Such women, as we have already demonstrated, could count in the *minyan* and serve as the

35. *Niddah* 6:4, 49b.

36. *Tosafot Niddah* 50a, s.v. *ha-kol*. Cf. *Tosafot Shevuot* 29b, s.v. *shevu'at* and *Tosafot Yevamot* 45b, s.v. *mi*.

37. *Tosafot Shevuot* 29b, s.v. *shevu'at*.

agent for others (i.e., function as cantor or *shaz*). It is also my feeling that women so committed to *halakhah* would, and should, refrain from serving as witnesses until a Synod of Sages takes the necessary halakhic step to permit it. Though it may be inconvenient to refrain from witnessing until then, the halakhically committed female rabbi would not be impeded from functioning by virtue of that restriction. The Sages, however, must take the lead and act in the only legitimate halakhic way to remedy what is no longer a defensible prohibition for any Jewish woman.

How Deeply Rooted in Western Culture is Anti-Semitism?

The Origins of Anti-Semitism

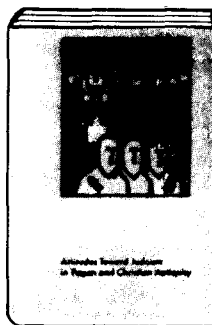
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Female Rabbis, Male Fears

CHAIM SEIDLER-FELLER

IT SEEMS CLEAR THAT THE ISSUE INVOLVED in considering the ordination of women is not *halakhic* but attitudinal. The sources that have been adduced to support a woman's ordination are familiar to all broad-minded students of Halakhah.¹ Equally clear is the absence of any serious halakhic barrier to a woman's functioning as a rabbi.² Moreover, the literature is filled with instances of women who served as *poskot* and teachers of Talmud,³ demonstrating, beyond a doubt, that the traditional tasks of the rabbi could be, and were, fulfilled by women. If it is argued that such women were exceptions, then the response would be that it is the exception that establishes the rule, i.e., there is no inherent disqualifying trait that would prevent a woman from assuming the role of rabbi.

The fundamental obstacle to the ordination of women, therefore, is the men who control the access to ordination. What it is that motivates these rabbis to withhold full recognition from Jewish women is the subject of this essay.

The overriding traditional concern has always been that the role of rabbi is somehow inappropriate for a woman. She is, after all, mother and caretaker of the home. The psalmists' praise of the bride awaiting to be married to the king, "*Kol kvudah bat melek, pnimah*", "All glorious is the king's daughter within the palace" (Psalms 45:14), has been understood

1. See, for example, *Sefer Haḥinukh*, edited by Chaim Dov Chavel (Jerusalem, 1953), Mizvah 158 (152 in other editions); Ḥayyim Joseph David Azulai, *Birkei Joseph, Hoshen Mishpat*, ch. 7, par. 12 . . . "a learned woman may render a legal decision;" Yom Tov/ibn Aseville, *Hiddushei Ha-RITVA*, *Kiddushin* 38a, s.v. *asher tasim lifnehem*.

2. E.g., *kevod ha-zibbur*, the honor and dignity of the congregation, must be dealt with as a sociological category whose definition varies in relationship to the changes that befall a *zibbur*. Paradoxically, it may actually constitute a dishonor to today's *zibbur* if women are not ordained. Equally questionable is the attempt to disqualify women from the rabbinate on the basis of Maimonides' assertion, *Judges, Laws of Kings* 1:5, "No woman is eligible to head the State, for it is said *melek* (king), that is, not a queen. So, too, whatever the office to which appointment is made, *only a man is qualified to hold it*." The incongruity of this statement is evidenced by the fact that Jewish Federations as well as synagogues are now commonly headed by women presidents. The problem of women serving as judges and witnesses will be discussed later in the essay.

3. See a lengthy list of women teachers and halakhic decisors in Barukh Halevi Epstein, *Mekor Barukh* (New York: M.P. Press, 1954), ch. 46, sec. 2 and in Shlomo Ashkenazi, *Ha-Isha B'aspaklariyat Ha-Yahadut* (Tel Aviv: Zion, 1979), pp. 115-133.

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by the mainstream rabbinic decisors as mandating a home-oriented role for women.⁴ Rather than being taken as a descriptive phrase it is seen as prescriptive, relegating the woman to a role as “Queen” of the home while her husband aspires to the position of “King” of the world outside the home. This doctrine of “Mr. Outside” and “Mrs. Inside” is similar to the Eriksonian distinction between “inner and outer space”⁵ and to notions of biological determinism that portray the woman as bound to her physical-material nature, creating within her body, while the man is free to ascend to spiritual heights, conquering “outer-space” and shaping it according to his will.⁶ Consonant with this view, the Biblical charge to “fill the earth and subdue it” (Genesis 1:28) could be taken to mean that women should “fill the earth” with children and men “subdue it” with ideas. Thus is anatomy destiny!

Saul Berman, in his now classic analysis of the sources, masterfully demonstrates that this public-private role distinction is the underlying factor in women’s exclusion from the obligation to discharge certain *mizvot*.⁷ Robert Gordis, in his influential treatment of the subject of women’s ordination, presents a detailed analysis of all instances of the rabbinic category of “affirmative precepts limited to time” and their relationship to women’s obligations. They clearly prove that this rubric, too, is descriptive rather than prescriptive. In fact, women are obligated to fulfill as many positive time-limited precepts as the number from which they are exempted. In other words, the rabbinic category of “affirmative precepts” limited to time, rather than establishing the legislative ground for women’s exemption, acts as nothing more than an organizing literary principle, a device for grouping diverse precepts.⁸

Berman further contends that roles assigned by the tradition are merely preferred and not mandated. Consequently, the private role of wife-mother-homemaker encouraged by the law is not the exclusive one open to Jewish women.⁹ Although it may have been the case that in the past there were not many alternatives practically available, the Halakhah specifically intended to keep all options open and did not preclude the

4. See Moshe Meiselman, *Jewish Women in Jewish Law*, pp. 9-15 and the Introduction by Shaina Sara Handelman to *Glory of the King’s Daughter* (The Laws of Modesty in Women’s Dress) by Moshe Wiener, for an accurate presentation of the traditional view.

5. Erik Erikson, “Womanhood and the Inner Space” in *Identity: Youth and Crisis* (New York: Norton, 1968). For an analysis and critique of Erikson see Juanita Williams, *Psychology of Women: Behavior in a Biosocial Context*, 2nd ed. (New York: Norton, 1983).

6. Margaret Mead, *Male and Female: A Study of the Sexes in a Changing World*, 3rd ed. (New York: Morrow Quill Paperbacks, 1967), pp. 181-2.

7. Saul Berman, “The Status of Women in Halakhic Judaism,” in *The Jewish Woman: New Perspectives*, ed. Elizabeth Koltun (New York: Schocken, 1976), pp. 114-128. Berman’s article originally appeared in *Tradition*, XIV, 2 (Fall 1973).

8. See Maimonides, *Commentary on the Mishnah*, *Kiddushin* 1:7, J. Kafih, trans. (Jerusalem: Mossad Harav Kook, 1963) II, p. 198.

9. Berman, *Op. cit.*, pp. 125-6.

sibility that a Jewish woman might legitimately choose a public-communal role, heretofore held predominantly by Jewish men. Women, if they so desire, may, therefore, elect to serve as communal leaders and fill positions as judges, rabbis and Queens.¹⁰

The potential entry of the woman into the public domain as a figure of authority compels the reopening of the entire discussion of a woman's obligation to testify. Since her disqualification as a witness is not based on a statutory lack of credibility, but on an exemption from mandatory public appearances, the extension of a woman's role into the communal realm would include offering testimony as well, thus sweeping away the objection to ordination of women that is based on their halakhic exemption from service in the public sphere as witnesses.¹¹ This aside from the ethical problem, as stressed by Gordis, which is involved in treating women on a par with deaf-mutes and mental defectives as regards their serving as witnesses in law suits. Some might argue that Berman's analysis leads, maximally, to the possibility of a woman choosing a public role and that this is insufficient to obligate her to testify. Nevertheless, the availability of this option undermines the blanket assertion that it is not customary for women to enter the public precinct.

Of greater significance is the pervasive reality of both a universal acceptance of the Jewish woman in almost all public roles and the concomitant self-definition of Jewish women as public beings. Even Orthodox women practice as doctors, lawyers, professors, research scientists, legislators, and so forth. Why, then, is it that the only area *barred* to Jewish women is the Jewish-religious sphere of life?¹² How do we deal rationally with the glaring inconsistency that allows women to be judges but not *dayanot*, witnesses but not *edot* . . .? Doesn't the covenant obligate us to guard the law from humiliation and to maintain its credibility?¹³ The system is denigrated by the compartmentalization required by the need to maintain the public-religious invisibility of Jewish women, causing all reasonable individuals to question the plausibility of halakhic analysis.

One often hears of modern Orthodox males who cleave to the tradi-

10. Ben Zion Meir Chai Uziel, former *Rishon le-Zion*, considers the possibility of a woman functioning as judge on the grounds of *kibluhah alayhem*, that the litigants or the community leaders accept her as a judge. He concludes by recommending against his own suggestion, "*lo nakhon la'asot takkanah kazot*", because it would harm the traditional structure of the Jewish household. (*Piskei Uziel b'She-elot Hazman* [Jerusalem: Mossad Harav Kook, 1977], pp. 227-8).

11. This objection is raised by David Novak, "Yes to Halakhah Means No to Women Rabbis," in *Sh'ma*, 9/166 and by the *Minority Opinion* in the *Final Report of the Commission for the Study of the Ordination of Women as Rabbis*, Rabbinical Assembly, January 30, 1979.

12. Tsurie Admonit, the enlightened spiritual leader of Kibbutz Yavneh, recognized this paradox. See "*Ortodoksiyah al Parashat Derakhim*", in *B'Tokh Hazerem V'Negdo* (Tel Aviv: Ha-Kibbutz Ha-Dati, 1967), pp. 109-10.

13. See David Hartman, *Maimonides: Torah and Philosophic Quest* (Philadelphia: The Jewish Publication Society, 1976), pp. 127-9.

tional view regarding women's interiorized religious life, yet who have wives who, in theatre, dance and other bold ways, play out their destinies in the public arena. Cynthia Ozick has implicitly recognized that this dichotomy leads many Jewish women to choose careers outside of the Jewish world, with the result that we have impoverished Jewish culture.¹⁴ This state of affairs has arisen because the Jewish doors have remained shut. How much longer can the Jewish community afford to tolerate the demoralization and the alienation of its best and brightest women?

It is important to note that whenever traditional scholars were confronted with an anomaly such as a Deborah who was a recognized judge (*shofetet*)¹⁵ or with the acceptance of women as witnesses in particular cases,¹⁶ they always found a *teiruz*, a pretext, that rationalized the irregularity. According to this mode of apologetics, Deborah was not a judge who used reason and legal procedure to determine the law; she was a prophetess to whom the law was revealed.¹⁷ Since it is illegitimate for a prophet to legislate, this definition of Deborah's judgeship blunts any effort at employing her as a model for opening the position of *dayan* to women. It is intended as an absolute disqualification. Regarding women who are accepted as witnesses, the legal scholars teach that, if and when women are empowered to testify, it is because the case in question does not require testimony (which can be presented only by two proper male witnesses) but merely a credible depiction of the facts.¹⁸ Never have the analysts considered the alternative that these exceptions have created new data for possible utilization as precedents in future deliberations. In fact, as Rachel Adler and other feminist scholars have noted, the tradition refuses to acknowledge women's experiences as new data, relegating it to the realm of "non-data."¹⁹ Over the centuries, such "non-data" becomes more inaccessible and imperceptible to both male and female eyes.

Apart from the above sources of opposition, there is one fundamental and non-halakhic argument shared by all opponents of women's ordination. The common thread is a fear that it would destroy the structure of Jewish family life and, hence, doom Judaism. Jessie Bernard,²⁰ Virginia

14. Cynthia Ozick, "Notes Toward Finding the Right Question," in *Lilith*, 6 (1979).

15. *Shofetim* 4:4.

16. *Terumat Ha-Deshen, she-elah* 353; Moses Isserles in *Shulhan Arukh, Hoshen Mishpat*, sec. 35, par. 14.

17. *Tosafot, Niddah* 49b (50a), s.v. *kol ha-kasher ladun*. A most ingenious answer has been suggested by Yehudah Gershuni who claims that Deborah's acceptance as a judge was a result of her exceptional personal qualities; there were no other men who were as qualified as she was. This reasoning is based on a Tosafistic analysis that accepts a convert as a judge when the convert is most qualified. See "*Ha-Isha B'Halakhah Uv'Aggadah*" in *Or Ha-Mizrah* (1982), p. 71. Here we have an explicit example of the prejudice that requires women and all minorities (e.g., converts) to be more qualified than the dominant majority (i.e., male Jews) in order to achieve equality.

18. See Ibn Aderet, *Responsa of RaShba attributed to RaMBaN*, 74.

19. Rachel Adler, "I've Had Nothing Yet So I Can't Take More," *Moment* 8:8.

ir,²¹ Marshall Sklare²² and other social scientists²³ have asserted that the family as an institution has shown remarkable adaptability in various cultures and contexts, the Jewish situation included. Their research over the past twenty years should have successfully calmed Jewish fears regarding the disintegration of the family under the press of social change. Additionally, role redefinition has occurred even in the Orthodox household, yet, the family has adapted and survived. No doubt this is a trying period, but all eras of transition are stressful.

If, indeed, this line of thinking is tenable and evolutionary change within the family is assimilable, why does the resistance to ordination of women persist?

It must be that the issue at hand is fundamental to the conflict between men and women: it involves a power struggle. As a result of women's emergence into every domain, including politics, the synagogue has become the last bastion of male privilege in the Jewish community.²⁴ And Jewish males, with their female allies, are committed to the defense of the hierarchical system that has sustained their control of Jewish religious life over the centuries. It is understood that expertise and status are two factors that determine personal authority and power.²⁵ Therefore, the presumptive intention is to withhold, indefinitely, the keys to the legal-scholarly tradition and, consequently, the rabbinic authority that derives therefrom. At Yeshiva's Stern College where Rabbi J.B. Soloveitchik inaugurated the Talmud program a few years ago, the nature of the women's study is thoroughly unlike that of the men's learning at Yeshiva College. Whereas Talmud is a required subject that dominates the program of the men of Yeshiva, it is merely an elective for the women. While the more advanced and accomplished instructors teach the men, it is less proficient scholars who teach the women. As a result, the men's *shi-urim* are far more complex and erudite than those of the women and the men are prepared to continue a rigorous application of Talmudic methodology on their own while the women must be content with a fleeting exposure to Talmudic texts. In the Conservative movement and at the Jewish Theological Seminary the matter has been continually misconstrued in halakhic terms.

20. Jessie Bernard, *The Future of Marriage* (New York: Bantam Books, 1973), pp. 85-88.

21. Virginia Satir, *Conjoint Family Therapy*, 2nd ed. (Palo Alto: Science and Behavior Books, 1967), pp. 20-26, 178-190.

22. Marshall Sklare, *America's Jews* (New York: Random House, 1971), pp. 73-79.

23. E.g., Mary Jo Bane, *Here to Stay: American Families in the Twentieth Century* (New York: Basic Books, 1976).

24. See Mortimer Ostow's essay in the symposium on "Women and Change in Jewish Law," *Conservative Judaism*, 29:1. Ostow observes that "... the synagogue serves traditionally as a refuge from the struggles of the marketplace ... One would not wish to sponsor a program that will convert the synagogue from a refuge to an arena where a man will feel that he must struggle again to defend his self-esteem."

25. I. Frieze, J. Parsons, P. Johnson, D. Ruble and G. Zellman, *Women and Sex Roles: A Social Psychological Perspective* (New York: W.W. Norton, 1978), pp. 304-307.

This symposium is, after all, a by-product of the strife that has plagued the Conservative movement in the wake of its decisions regarding women's ordination. Even Hebrew Union College, which pioneered the ordination of women, boasts not one female faculty member nor has it produced a single woman scholar. Scarce and almost nonexistent are the Judaica texts written by women.

Only when male authorities are no longer threatened by women trained in the intricacies of the Talmudic tradition and possessed of a sophisticated Jewish knowledge, and when their impulse to use the halachic process to preempt the central questions involved is delegitimized can equality and meaningful power-sharing be achieved. As long as present attitudes prevail, however, and the rabbinic leadership refuses to acknowledge the motive underlying their behavior, the struggle for power will continue unabated and the casualties will multiply.

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The Shalom Ideal

MARJORIE S. YUDKIN

THE ORDINATION OF WOMEN AS RABBIS IS essential for the fulfillment of Judaism's highest ideals. Yet this is but one step in the direction towards which we in the liberal Jewish community are striving. The task still before us is vast and complex — to transform ourselves, our Jewish community and our world to enable each individual to achieve wholeness.

My goal is to present my understanding of the three types of Jewish feminist thought, and to offer my vision of the future. Although this vision cannot be demonstrated to the reader, we have intimations of what this world might be for us, and of how we might be able to further its creation.

Before discussing the issue of rabbinic ordination, we must examine how feminism is influencing the development of contemporary Judaism. Feminism here includes the response of those men and women who have become aware of the limitations of sexism and seek solutions to the problem inherent in it. After I describe the three main paths along which Jewish feminism can proceed, we will be able to see more clearly how the ordination of women as rabbis results from, and expresses, several different types of feminist commitment.

1. Jewish feminism can take the path of equality. This view holds that every individual is created *b'zelem elohim*, in God's image (Gen. 1:17). This perspective, exemplified by the Equal Rights Amendment and Ms. Magazine, is consistent with liberal political thought. Based on this perspective, every person is entitled equally to pursue any specific social role. Women, like men, have the right to be ordained as rabbis, because each person is created equal. The Reform and Reconstructionist movements, in their advocacy of the ordination of women, have embraced this concept of equal access. This affirmation of the fundamental equality of all persons is essential to rectify generations of active discrimination based on the belief that men and women are fundamentally different. Equal access guarantees that one's gender will not arbitrarily hinder one's attainments. However, along with the assumption of equal access is the current expectation that women will fulfill the rabbinic role in the same way that men have. Though women are now permitted to

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become rabbis, the role has itself been shaped by generations of men and they are, therefore, expected to leave those aspects of themselves, such as nurturing and mothering which do not fit the traditional male role, “outside the synagogue door.” Equal access is essential and must be ensured — yet it is insufficient to solve the problems generated by sexism.

2. Jewish feminism can take the complementary path. In the past, the qualities associated with the masculine have been elevated, while those associated with the feminine have been devalued. This model acknowledges and elevates the emotional life, childcare, home-centered activities — all of which have been traditionally women’s domain. It holds that men and women are fundamentally different from one another but are intended to complement one another through these differences. This “romantic” model assumes that an essential feminine ideal exists which women should strive to emulate. Similarly, men are expected to pursue the essential masculine ideal. This dualism discourages individuals from straying from these polarities. In the complementary model, the ordination of women represents an affirmation of the qualities which have been traditionally associated with the feminine.

While we are most familiar with the liberal model, which values civil rights, as a basis for the ordination of women as rabbis, this romantic model has emerged in recent years as a result of the increased sensitivity and awareness of “minority groups” in our society. Though women are a majority of the population, their traits and activities have traditionally been undervalued, as have those of true minority groups. The great contribution of this model is that it gives equal value to those aspects of the feminine which have been devalued in the broader culture. The primary strength of this second model is that the feminine ideal is now affirmed for its distinctive qualities, alongside the masculine ideal, but the weakness with this model is that women are expected to personify the feminine ideal which could be part of the rabbinate, and men are expected to personify the essence of masculinity. This limits all individuals by artificially prescribing who they are and should be. In Jewish terms, this might be identified as the *ezer k’negdo*, or “matching parts” model (Gen. 2:18).

This complementary model can be abused in various ways. By exalting the differences between the sexes, the foundation of equal access is undermined. Thus, extreme proponents of the view can claim to defend women’s interests while opposing equal rights for them. At the other extreme, radical feminists — who hold that the qualities traditionally inculcated in women are superior to those of men — urge that women secede into separatist, superior communities. Surprisingly, each of these extremes relies on the same assumptions, that men and women are inherently different and that those differences should be both preserved and furthered.

3. Jewish feminism can take the path of wholeness, which epitomizes the Jewish ideal of *shalom*. I believe that the unity of God is the most funda-

mental idea in Judaism. Each person is made in the Divine image, "Male and female God created them" (Gen 1:27), and each of us has God's qualities of the feminine and the masculine. The mandate of human personhood is to have the potential to develop all of these attributes, while it is the task of the individual to develop those traits which are uniquely his or her own. Gender *per se* is incidental to who we are as persons.

Certainly in our day, and throughout history, gender has been a major determinant of who we are, and of what our experience of life has been. In the past, men's life experience was distinct from women's. Social factors assigned different roles to them based on their gender, yet the natural differences between men and women are few. The purpose of biological gender distinctions is the perpetuation of the species, but society has extended this difference into role differentiation and into the romanticized masculine and feminine ideals. However, these polarized ideals do not represent the fulfillment of our Jewish potential. Rather, they epitomize the limitations imposed on individuals for generations. Standing on the brink of a new age, we can see the day when people will be able to develop fully as individuals, unconstrained by socially constructed gender distinctions.

The ideal of *shalom*, which should be understood as wholeness, is based on a model of God who is one, who unifies all polarities and apparently incompatible dualisms into one. The expression, *Neshamah shenata-tah bi, tehorah hi*, (the soul which you have given me is pure) expresses the conviction that each of us is endowed with a soul which is perfect — which, I understand to mean, not limited to gender. The physical distinction of gender does not represent our spiritual essence. Essentially, as persons in relation to God, we are whole and not divided.

In the rabbinic tradition, God epitomizes the qualities of judgment and mercy, *din* and *rahamim*. Yet, in our society, the quality of *din*, judgment or conditional love, has been associated with the masculine role, and *rahamim*, unconditional love, with the feminine role. I believe that the synthesis of these qualities in one God provides an ideal for us to emulate. Integrity or wholeness requires not that we fulfill one model of relationship to the exclusion of the other, but that we seek to create ourselves in God's image, by tempering justice with love, and moderating our love with concern for justice.

The contribution of feminist thought will have at least two stages. First, those influenced by its insights will become aware of how patriarchy has shaped our tradition. Even when women enter into the picture, that picture itself is usually drawn by men. As noted by Cynthia Ozick, only a tradition shaped by men could generate a section of the Talmud called "Women." Only when the universe is perceived through male eyes can women be isolated in this manner, as a subset of humanity. Yet, while gender bias permeates much of the traditional literature, I am not willing to

be foreclosed from Judaism and told that, because I am a woman, it is not my inheritance. Despite its exclusion of women, it is mine, too.

While the forms through which Judaism has been expressed have been colored by patriarchal assumptions — of gender roles, of male superiority — I believe that the essence of Judaism is not patriarchal. The ideas central to our Jewish faith such as the one God, ongoing revelation and messianic vision do not seem constricted by patriarchy.

The second stage in feminist thought is the positive reconstruction of Judaism and a creative contribution to it in order to make it represent the lives of both men and women. Some significant steps have already been made in the area of ritual. As parents have sought to celebrate the birth and growth of daughters just as they do for their sons, moments in the female life cycle have received attention. Many of these ceremonies are rooted in the complementary model, and serve to reinforce gender stereotypes. Other ceremonies, such as baby namings, which substitute *tevilah* (immersion) for girls in place of *milah* (circumcision) for boys, reinforce the difference of social roles for men and women. The revival of Rosh Hodesh as a women's holiday is troublesome, as it carries the association of women with the body and cycles of nature, perpetuated by patriarchal society.

Instead, we should create ceremonies that would minimize social differences. Rabbi Carole Meyers has prepared a covenantal ceremony for both boys and girls, which does not include *milah* or distinguish in any way between boys and girls. While she retains the importance of circumcision, she suggests that *milah* not be a part of the covenantal or naming ceremony. She observes that:

The maintenance of this practice (Brit Milah) not only completely excludes women, but also effectively communicates the message that women are simply not important, over and over again. It sets men up as the main actors in Judaism, from the very start, while women are ignored, deemed passive participants who are only secondarily important. This message is repeated for women each and every time they attend a *bris*. It is important to emphasize that baby boys and girls are not so much affected by their own *bris* or lack thereof, but are deeply affected by the message which gets communicated to them as adults witnessing regularly the marking of the sign of the covenant with God, which can only be received by males.

This egalitarian covenant ceremony is but one example of the effort to create new rituals which do not perpetuate gender distinctions.

Feminism also has contributions to make in the areas of prayer and ritual, the study of text, the work of theology and ethics. Feminism has made us aware, once again, of the acute limitations of our language to articulate concepts of, and feeling about, God. The language of traditional Judaism projects images which are often barriers to belief. Feminism has helped to remind us that, although we often describe God using human metaphor, God transcends gender distinctions.

In the study of our texts, feminism has stimulated both male and

female students of the tradition to recover women's stories. Much of this work has been done in the form of modern midrash. For example, one piece recovers Dinah Bat Leah from her ignominious fate in the Torah text. In Gen. 24, Dinah, the daughter of Leah, is raped by Shehem, son of Hamor. The rape is avenged by her brothers, but Dinah's voice is never heard in the text. Modern midrash is the vehicle for understanding Dinah's character and her experience in the biblical events which otherwise reflect a male author's point of view. In the process, the integrity of the original texts is acknowledged.

In the areas of theology and ethics, where work is just beginning, serious attention must be given to gender-linked differences in ethical thinking and behavior, as described by Carol Gilligan in *In A Different Voice*. In contemporary Jewish thought, such issues as sources of authority, hierarchy, and the relationship between the individual and the community of Israel may be affected by the feminist critique.

There have been attempts to articulate the feminine experience, so that it can take its rightful place in our Jewish heritage. At this stage in the development of our tradition, there is a place for the complementary model, and women should be encouraged to make new contributions to redress the overwhelming imbalance of the received tradition. Moreover, because men and women have been directed onto differing courses, our views of the world do differ, at present. These varying views should be represented in our heritage, although not perpetuated as an ideal.

Finally, there are physiological differences between men and women, and the experience of these actual differences should be incorporated into the tradition. For example, Judy Shanks, a rabbinical student at the Hebrew Union College — Jewish Institute of Religion, composed prayers reflecting her experience of pregnancy. They acknowledge "her hopes, fears and feelings as she witnessed and physically endured the transformation of her body, the growth of a child within her, the change of her status to mother."

While halakhic constraints on women do not exist in liberal Judaism, we should be aware of the lacunae in the rich tradition we have received. Some of these include the lack of women's prayers and the dearth of recorded women's experiences. When we study the "Sayings of the Fathers," we need be cognizant that we lack the "Wisdom of the Mothers." As an advocate of Judaism, I hope to see our faith strengthened and enriched by a fruitful, sensitive response to the feminist critique of patriarchy.

The ordination of women is but one step toward minimizing gender distinctions. This accomplished, the real challenge still lies ahead, to transform ourselves, our Jewish community and our world to enable each person to achieve *shalom*.

For gender, like other physical and temporal qualities, is incidental to who we are as persons in relation to God. When the *shalom* ideal is realized, men will be truly accepted as nurturers and homemakers and women will

be praised for strength and leadership. While, today, a few pioneers tread this ground, as a society we are coming to share their ideals but slowly. So long as we balk at a father who cares full-time for his children, or at a woman who has elected a full-time career, or at any parent who has compromised career goals to spend more time at home, the ideal of *shalom* has not been achieved.

As we Jews well know, individual change can take place only within a community. Although we have personal goals and aspirations, the messianic age envisioned by our tradition is a communal vision. To fulfill the *shalom* ethic requires that the practice of Judaism help people to broaden their personal development, not constrict it.

Static role designations — women light candles, men recite kiddush — do not further the *shalom* ideal. Encouraging and supporting all individuals in all aspects of their Jewish spiritual development will further the ideal of wholeness. My faith — in the one God — enables me to affirm this vision of wholeness and integrity to which gender is incidental.

The ordination of women is an essential step toward redressing the inequities of the past. But before the ideal of *shalom* can be achieved, we must ensure equal access to all roles in our Jewish community. This equalization, then, should be supplemented by an affirmation of those qualities which have been associated with the feminine role.

In the Reform and Reconstructionist movements, the ordination of women has had various meanings. Some who have been ordained seek to fulfill the equal access ideal. They do not wish to represent women, or to examine possible implications of being a woman in a formerly male role. They seek to be regarded as equals of their male counterparts, disregarding areas of possible difference resulting from their upbringing as women in our gender-biased society. Some women seek to experience and record the feminine experience to counterbalance the masculine model, and are working to recover and express the essential feminine perspective which has, so far, been concealed in our history. Their ceremonies and rituals stress the positive aspects of the feminine, but re-enforce gender differences. And others work to minimize the differences between male and female in an effort to synthesize the two. They are struggling to reform our tradition so that our practice of Judaism will not perpetuate gender roles. The challenge for all Jews is to reshape our Jewish tradition and practices in consonance with our highest Jewish ideals of *shalom* and unity.

Members of the Conservative movement, and women who may become ordained as rabbis within that movement, will also choose among the equal access, complementary and *shalom* ideal paths. One cannot predict what they will choose, or foretell the significance of the ordination of women, but each of these ways, with its assets and limitations, is leading us the right general direction. Travelers on each path will have much to contribute to, and learn from, one another.

Images of Women in Israeli Literature — Myth and Reality

RUTH BEIZER-BOHRER

LIKE THEIR PIONEERING PARENTS WHO rebelled against old traditions and left their homes to build a new society in Israel, the second generation and native born Israelis (the 1948, or War-of-Independence-generation) share with their parents an ideology based on the highest values of humanism and egalitarianism. Like those parents, these young Israeli men and women had to face a harsh and hostile landscape, and defend their homes and lives against enemies in order to fulfill a national dream. Both generations were inspired by myths of equality, among them the equality of men and women, which was nourished by the Narodniki and socialist movements in Russia, and the humanitarian vision of writers like Tolstoi and Turgenev, especially the latter's image of a forthright and accomplished new woman.

One of the striking features of the literature of these native speakers of Hebrew is that, on the one hand, it clings very closely to reality, depicting mundane aspects of working and fighting in an egalitarian society, but, on the other hand, it resorts, contrary to our expectations, to a very high flown style, using language which is very rhetorical and literary, excessively decorative and rich in neologisms and archaisms. It is language that aims at an exalted stylistic level, that attempts to elevate daily life rather than stooping down to it. Characters who are young Sabras, whose qualities and actions are quite typical and ordinary, may be presented with a pathos and with rhetorical stylistic devices that aim to create around them an aura of utter importance as in the following description from Moshe Shamir's novel *He Walked In The Fields*:¹

He was a lad whose education could have been somewhat better, and with somewhat less flaws, but he was, in fact, one hundred lads put together, if not more. . . He was a vintner, and someday perhaps he would return to being one again; then he would tend the vines, carefully handling the bunches so as not to cause them any harm. . . He was a young talent, good at field training and at skirmishes in particular. . . He was a beloved child of one of the kibbutzim. . . He was one Jew, young and tanned of skin, march-

1. Moshe Shamir, *Hu Halakh Bassadot (Sifriyat Poalim, 1947)*, pp. 269-270. Translations my own (RBB).

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ing on the road of Migdal-Karem. . . He was a finger, that knew to press, firmly and knowingly, on a trigger of a Brenn machine-gun. . . He was the mytery of the sudden awakening presence. . . He was the commander of a platoon marching back from a voyage of field training.²

The works of all of these young writers, especially during the Forties and early Fifties, display this common stylistic tendency of elevating and stylizing mundane daily occurrences, which Prof. Gershon Shaked calls *pathetic realism*.³ Writers like Shamir and Yizhar, Megged, Shaḥam and Mossensohn, despite the vast differences between them, share an attitude that sees in the simple daily actions of work and defense, of a young growing society, manifestations of heroism and uniqueness. Consequently, the characters and the collective group that appear in the fiction of that period are portrayed in heroic terms, and are surrounded by a certain mythical aura. This heroic treatment and myth-making tendency becomes further evident when one observes the presentation of the male characters in the stories as compared with the females, a sample of the former being obvious in the paragraph quoted above. It is further amazing that in this literature we see only a society of men; no women participate in the central plots of the stories or, rather, the women stay in the background, while the action is reserved only for the men. The roles of the men, furthermore, are made heroic and their images and actions are magnified by means of the high style and the rhetorical intensification, as demonstrated above. In this whole literature we see these young men going to battle, building, defending, and facing trying conditions. We meet them in the Underground against the British and in prison (Yigal Mossensohn), mobilizing the Hagganah and the Palmah (Moshe Shamir, Nathan Shaḥam), and participating in battles and defense (S. Yizhar, Shaḥam and others).

This fact, of presenting the history of the formation of the State of Israel, as carried out by men only, is rather surprising, since it is well known that the women participated with the men in all of the actions; they worked, fought and died side by side with them. It seems to me, also, that there is a significant relationship between the magnification of the roles of men and the minimizing of the roles of women that is manifested in the works of these writers. I will try to illustrate this point by a closer examination of the images of women in the works of five authors.

Nathan Shaḥam's novella, *Always We*,⁴ deals with the transition period in Israel from an informal and ideological Underground army

2. Note the recurring anaphora "he was." It is repeated twenty times in a passage extending over one and a half pages and devoted to the descriptions of the qualities of Uri, the hero of the novel.

3. Gershon Shaked, *Gal Hadash Bassiporet Haivrit* (Tel-Aviv: Sifriyat Poalim, 1971), p. 41.

4. Nathan Shaḥam, *Tamid Anakḥnu* (Sifriyat Poalim, 1952). Translations from Shaḥam my own.

(the Hagganah) — to a formal army structure. The story presents several analogical tales of some young lads who are appointed to official higher commanding ranks, but prefer, instead, to volunteer for more dangerous tasks. Each one of them confronts tests of moral and ideological commitments to the values of the Hagganah, and each one of them has to leave behind him an unhappy girl-friend. Thus, Ram, who volunteers as commander of a dangerous mission, has his ability to exercise authority severely hampered and doomed to failure because of a neglectful upper-level commander, a lazy beurocrat. This is, for him, a test of his manhood and of his moral character. Young Avi, another fellow, and an only son, also volunteers for action in the front line, despite the objections of his mother. The test for his call to action is high-lighted by a scene with his girl-friend Batya, who turns off the alarm clock so as to keep him longer in bed with her. Thus, he wakes up too late to join his troop in their early morning departure. Consequently, he leaves alone and, as said, too late, an action which results in his eventual death. Avi feels cheated by the girl but does not communicate to her the seriousness of his obligation. He feels contempt for her in her inability to understand, as well as for his mother, who tries to keep him behind by pretending sickness. The girl-friend, on her part, cannot understand why he cannot sacrifice a few hours for the sake of their love.

There is a deep gulf between the world of the man and that of the woman. The man faces his duty and destiny alone. He has to leave the comfortable world of the woman, to tear himself away from her seductive sexual attraction, in order to *get out* and fulfill himself.

The following descriptions of women (pp. 95, 98) are typical to Sham's stories:

Ilana: She was short and her features were small, except for her bosom, which rose in front of her with a maternal tranquility and glorious ripeness.

Semadar: He saw that her lips were thin and well formed and her breast beautiful. . . He learned towards her under the jacket above their heads, and her breast rubbed against him. The fresh smell that came from her body, mixed with the smell of the rain and the aroma of the atmosphere intoxicated him. . .

The repeated words and phrases describing women are: gentle, pleasant, motherly with soft breasts, warm eyes, moist lips, etc. . . These images evoke a sense of comfort and associations with bedrooms. Military offices are decorated by the girls with curtains and flowers that are reminiscent of home, and the characterizations of the girls are made in indiscriminate sexy clichés.

The world of men, in contrast, is tough, full of action and of moral and ideological tests. The man controls his emotions and is non-talkative. The woman tries to lure him to stay "in her arms," she wants to spoil him with domestic and sexual comforts. The world of battle and conflict seems to be completely outside of her realm. The exception to the rule is Gipka,

the *tomboy*, who tries to imitate the boys and accompany them on their skirmishes. But even she has to use manipulation in order to be allowed to join them.

Similar to Shaham in this aspect of a complete separation between the worlds of men and women is Moshe Shamir in his previously mentioned novel, *He Walked in the Fields*. Shamir, however, characterizes his women with greater individuality, endowing them with emotional articulation and expressiveness, while the men, by contrast, cannot express their emotions. Mikka, who has recently come to Palestine with the Youth Aliyah, also wants Uri, the hero of the story, to remain with her. They have just fallen in love, and have spent only a few weeks together in an affair that has come to a climax by their having sexual relations on their trip in the open fields. This scene, which is the high point of the book and of their intimacy, is also imbued with innocence and youthful trust. Uri, however, is immediately afterwards called to duty in the Hagganah, in spite of his father's and Mikka's pleas. He claims:

I must go. . . I will not agree that someone else will defend me and you and give his life instead of me. . . . One must go because it was so decided, and those who will return, if they do, will return to the wife, the children, the work and triviality.

The man must go out, away from "triviality," and selfishly free himself from the challenges of personal complications such as Mikka's pregnancy, about which he prefers not to find out. Uri feels himself masculine, free and strong, away on the mountains, leading his soldiers:

He hops over masses of rock fast, agile and smart; a knapsack tight on his hip. Just rely on Uri, he does need to look where he is going on those heights. His legs, his eyes, his nostrils move as if on their own. . . In only two months he was elevated to the rank of platoon commander. . . his own privates now at his command, adapting themselves to his steps.⁵

The love affair between Uri and Mikka is interrupted by Uri's enlistment in the Hagganah and ends with his untimely death in action two months later. He leaves behind him a pregnant Mikka, who will not abort the child so that she will keep his legacy alive. She is a biological enabler, the progenitor for the mythic father; carrying his seed she will bear the fruit of this young god.

Yigal Mossensohn's book, *The Way of Man with Women*,⁶ as the title of the book implies, openly deals with the battle of the sexes. It takes place some time in 1946, during the resistance against the British and the imprisonment of Jewish leaders, and focuses on the man-woman relation-

5. *Hu Halakh Bassadot*, p. 240.

6. Yigal Mossensohn, *Derekh Ge'ever* (Tel-Aviv: Tversky, 1953). Translations from Mossensohn my own.

ships of three married couples on one of the kibbutzim. Two of the men, Joseph Alon and Raphael Huber, whose story is narrated from their point of view, alternating between an omniscient narrator and their own interior monologues, have adulterous wives. Both of the wives are attracted to the same man — Ruben Bloch, the grand seducer of the kibbutz, who is also married, who is attractive and tanned, handsome and smiling, and “who seems to wipe the women off their feet without any effort” (p. 20). The two cheated husbands, whose stories are strictly analogical, are ugly, tormented by jealousy, self-doubt and misgivings. One of them ends up committing suicide, while the other is driven to a crime of passion, killing Ruben as if by accident, an act which, in itself, solves the problem of the seducer’s presence on the kibbutz.

The third couple serves as anti-thesis to the triangles of passion. Naḥum Genkin and his wife, Ruth, have an ideal marriage. He, the kibbutz intellectual, sits in his work-room writing “of things that deal with struggle, things that delve into depth” (p. 16), worrying about the many chores to be done the next day. His wife, in the meanwhile, after their happy love making, sleeps in the bedroom, “her yellow hair adorning her narrow face, her fist resting next to her on the pillow, in a peaceful dreamless sleep. She, he thinks to himself, lives her uncomplicated life, a creature being rejuvenated every new day” (p. 19).

The women in this book are presented in stereotyped sexual roles with no individual characterization. They are either sexual nourishers or sexual destroyers. The men, on the other hand, struggle and suffer, think and fight, both among themselves and against the British, each one of them engaged on two fronts — the political, ideological one and the sexual battleground. This dual aspect of the men’s lives is epitomized in a scene in which the men of the kibbutz, locked up in Latrun by the British after the “Black Saturday,” are anxiously watching Ruben, the seducer, being released before their eyes, and returning alone to the women, free from the competition of the husbands. According to Mossensohn: — “*Cherchez la femme*” — behind every man there is a woman who determines his sexual fate, is the secret agent for his life and for his death.

The most sophisticated and accomplished artist among this group of writers is S. Yizhar. In his stories, which concentrate almost entirely on the War of Independence, we also meet primarily groups of men, with no women participating in the plots or in the action. Like the other writers, Yizhar emphasizes the theme of *going out* as indicated by the title of one of his stories. “Before the Departure.”⁷ His men are tested in action, in confrontations with death and in their loyalty to each other and to the values of the group. In spite of the focus on the men at war, the

7. S. Yizhar, “*B'terem Yeziah*,” (1949) in *Arba'ah Sippurim* (Tel-Aviv: Hakibbutz Hameuhad, 1967), sixth printing, p. 46. Translations my own.

testing and the call for action, Yizhar does not share the heroic point of view of his contemporaries, but, rather, ironically views the ultimate meaning of man's existence, in war as well in peace. He exercises the critical judgment of a moralist, mixed at times with pathetic enthusiasm when referring to the enterprise of the group as a whole.⁸

Yizhar's images of women, however, are also quite similar to those of the other writers. The women are neither individualized nor characterized, but are a composite. They exist only in fantasies of the main characters and are the objects of their yearnings. Each is an idealized female, whose features are suggested more as a silhouette:

That special way of pushing back the falling mass of hair, of turning her neck as she bobbypinned the unruly lock, her curved hand and fingers moving in the silent dexterity of the casual and the calm.⁹

The main character usually notices with fascination the sight of "a quarter of her profile . . . the hair descending over her shoulders with mocking and divine coquettishness."¹⁰ She is also a fantasized mystery of a romantic lady with whom he would escape to "a distant place, with a magnificent citadel built on top of a hill . . . and bring her there like a princess."¹¹ In fact, she is an adolescent ideal of pure beauty, an unreachable cruel lady who frightens him, and whose presence he really avoids, preferring to be left alone on guard in the quarry, rather than spending the time there with her, so that he can adore her from afar; "she is so distant from being grasped, so fascinating in her absence, so regal in her glory."¹²

This woman appears in Yizhar's stories as a love ideal of a dream girl, to whom he devotes some of the most beautiful lyrical expressions, and who inspires longing and imagination. She is a *love* ideal and not a *sex* ideal; a personification of beauty and of poetry, and there is no mature love relationship in any of the stories. In addition, besides being a love ideal, the woman is also a symbol of the *home* and its *stability*. She provides the place to which the soldiers can return after the battle, so that, despite the threat of war, its destructiveness and meaninglessness, Yizhar's soldiers have the assurance that —

There is a Ruthie, or a Rena, or a Nira, or a Dali, who waits at home . . . to whom you can return from the fields and the cold . . . for this girl is sure to welcome you when you return, and be kind and loving, gracious and domestic.¹³

Similarly, the young soldiers at Ziklag,¹⁴ amidst frightful enemy

8. See the concluding parts of S. Yizhar, *Midnight Convoy*, trans. Reuven Ben-Yosef, (Jerusalem: Israel Universities Press, 1969) and "*B'terem Yeziah*."

9. *Midnight Convoy*, p. 199.

10. "*B'terem Yeziah*," p. 29.

11. *Ibid*, p. 20.

12. S. Yizhar, "*Laila B'li Yeriyyot*," 1939, in *Hahorshah Bagivah*, (*Sifriyat Poalim*, 1947), p. 329. Translations my own.

13. "*B'terem Yeziah*," p. 29.

14. S. Yizhar, *Yemei Ziklag*, 2 vols. (Tel-Aviv: Am-Oved, 1958).

attacks, hug the memories of their girl-friends back home. The girls' reality provides them with a sense of security about their own existence. Throughout the lengthy interior monologues of each of the soldiers, the girls are described in a dispassionate and controlled fashion, discussing their sensuality without really communicating it (p. 571-572), not even in the descriptions of Amihai's red-headed girl-friend. The young men's associations with the girls disclose feelings of *trust* and *security*, rather than sexual lust; the girls are symbols of *home* rather than embodiments of *Eros*. In addition to the idealized girl-friends, there also appear in Yizhar's stories incidental women figures, who are shown as loyal home makers and trusting wives preparing food, or welcoming their husbands back from work.¹⁵

The images of women common to this whole group of young writers, who also represent a unified cultural phenomenon in Israeli literature, are stereotyped sexual and domestic models, relegated to secondary roles, while the male figures are elevated to almost mythic proportions. This is a literature written by men about men, who make a separation between a superior world of men and an inferior world of women. This gulf is bridged by the power of the sex drive and by the men's need for domestic comfort and stability as provided by the women. In many ways this is a *sexist literature* which reveals the minds of men, who are very young, which reflects cultural attitudes of condescension towards women, while it reveals very little about the qualities or the inner world of the women themselves. Shāham and Mossensohn share a sharp sexist approach, consistent throughout, even in their later works, expressed by a sense of male superiority that either claims women's ineptness, or takes on a patronizing attitude of protectiveness. The women in their stories are portrayed as incapable of comprehending the complexities and difficulties of the men's world; they are motivated by the need for love expressed via sex or the wish to possess a man and keep him home. This simplistic and man-centered viewpoint results in total stereotyping of the women along sexual models, and the complete separation of the realms of men and women. The women are located in the home, the bed-room, the kitchen, while the men go out to war, to prison, to hardships. The war seems not to touch the women at all; they remain on its periphery, except when their lovers or husbands get killed.

Shamir and Yizhar reveal greater complexities in the treatment of the man-woman relationship, and in the characterizations of both men and women. Shamir's hero is aware of the challenges of involvement with the woman and opts to avoid them by escaping into the heroic and glamorized world of the man and of the war. Yizhar's heroes also reveal a com-

15. S. Yizhar, *B'fa'atei Negev (Hakibbuz Hameuhad*, first edition 1945, revised edition 1978); and "Massa' El Gedot Ha'erev," 1941, in *Ha'orshah Bagivah*.

plex psychological attitude to women, expressed by avoidance and youthful adoration of an idealized woman. The young heroes in both Shamir and Yizhar's worlds display the complexities and complexes of immature young men.

The central metaphor employed by all of these writers and which expresses their common cultural attitudes is, as mentioned before, the *going out*, accompanied by a physical separation of territories. The men must go out to a different realm than that of the women in order to meet challenges and prove themselves. They must be able to tear themselves away from that world which is characterized by comfort, pleasure, reassurance and sexuality. The separate worlds are portrayed in opposing images — hardness versus softness, toughness versus pleasure, action versus talk, challenges versus emotions, sacrifice and death versus security and stability. The world of this young *macho* male society measures itself in terms of heroism and confrontations, wishing to create through the fiction and the language a new mythic male model, reminiscent of Hemingway's world of men.

The picture that emerges from this literature stands in sharp contrast to the ideals of equality between the sexes which Socialism and Zionism included in its ideology. What, then, happened to the ideals? Leslie Hazelton, in her book, *Israeli Women, The Reality Behind the Myth* (1977),¹⁶ claims that the myth of equality of women exists only as a rationalization, not as a reality, because "myths compel respect, not necessarily by their truth, but because they are needed by those who believe in them" (p. 21). The myth presents an admirable Israeli woman, strong and independent, sharing and contributing equally with her male pioneer countryman in the army, on the land and in politics. Indeed, the myth exists, but it is mostly conveyed in parades and in photographs that show "a gun toting woman fighter, ready to sacrifice her life for her country, looking tough, dressed in fatigues, hair severely pulled back under caps, training with full concentration and deadly seriousness." In reality, women did learn how to use guns but it was generally the men who did the guard duty and the women who welcomed them and, if necessary, nursed them. In the first stages of the War of Independence women soldiers were essential for convoy duty since they could conceal guns and grenades under their clothes and evade detection by the British troops manning the road blocks. Some women served in the Palmah as well as in the underground organizations of Ezel and Lehi, but few were actually involved in combat, once the war was under way. Later, in spite of the women's protest against the discrimination, they were trained for defense warfare only, which meant that they served as wireless operators, nurses and quartermasters. There were some women who actually fought and died in battle, but it was solely on these exception that the rule of the myth was to be based.

16. Leslie Hazelton, *Israeli Women* (New York: Simon and Schuster, 1977).

Deeply revealing and most important documentary material on how the women themselves felt and acted is offered by Netiva Ben-Yehuda's biographical novel — *Bein Hasfirot* (Between Calendars),¹⁷ 1981, which deals with her experiences as a 19 year old commander in the Palmah during 1947-48. She says:

The girl in the Palmah had a very hard time. We were only three women commanders in the whole third battalion. We did not seek to become commanders, we were not suffragettes, the Palmah was. It inscribed on its flags the principle of equality of the sexes, but it did not uphold it. We continuously had to prove that we deserved that right, that we were able and capable, a thing no male had to do. Our success did not count, our previous achievements did not add up, each time we had to prove ourselves anew. In 1947 we were only 3,000 Palmah members ready for combat in a country of 60,000 Jews, and half of us were women. On November 29, 1947 came the order — to remove all the females from the front to the rear. This left only 1500 men ready to defend the country . . . my heart was ready to explode, we were waiting all these months, dying to go out to the real fighting. . .¹⁸

Netivah's book gives expression to her outrage and continuous struggle against male chauvinistic attitudes summed up in the familiar slogan, "no female will be in charge of us." Two central incidents vividly illustrate the nature of the dual struggle that these young women (and men) had to face. On the one hand, they were teenagers, who unpreparedly but enthusiastically were caught in a situation of "making history" with their own bodies. On the other hand, they were women and, as such, encountered additional difficulties from their male comrades. Two incidents which occurred in the Galilee before the formal outbreak of the war illustrate this situation. In the one, Netivah participated in an ambush of an Arab bus carrying important Arab agitators. She suddenly found herself alone facing the head Arab terrorist who had jumped out of the disabled bus. Unflinchingly, and for the first time in her life, she pulled the trigger and killed him. This story gave rise to an immediate legend about a demonic Jewish woman fighter. The other incident took place in Ramot Naftali while taking her thirteen newly arrived trainees to the fields to teach them the use of the rifle, when, suddenly and unexpectedly, they were surrounded by thousands of attacking Arab enemies. Under a hellish barrage of fire she taught those trainees to use the rifle and carry out field retreat, and succeeded, after a tense and breathtaking five hour period (and a remove of one kilometer), to bring them back to safety. One man got killed immediately and she had to leave him behind. Afterwards, she had to fight off the rumors and the slander by the very same commander who himself selected those training grounds where they were ambushed, and who blamed her for leaving the dead man behind on account of her being "a woman."¹⁹

17. Netivah Ben-Yehuda, *Bein Hasfirot* (Jerusalem: Keter, 1981).

18. Ibid., paraphrased and translated by me from pages: 86, 107, 121, 160, 278, 280.

19. This exciting and realistic account, written in reportage style, can be found on pp. 218-235.

Conclusion: The documentary material from the period about male attitudes towards women in Israeli society confirms, in many ways, the picture that comes forth from the literary evidence. The literary and the historical material reveal the same gap between the ideological declarations of equality between the sexes and the real psychological attitudes of male chauvinism and discrimination against women that are deeply imbedded in the existing cultural patterns. It is a phenomenon, common to revolutionary and battling societies, quickly to create new myths that project a new self image, which do not always strike root in the actual cultural-social patterns of life. Both myths, the one of women's equality, the other of a new male hero, ironically contradictory to one another, grew simultaneously from the same ideological roots of an emerging new society in Palestine. Both were projections of ideals; neither was true to reality.

Even later developments in Israeli society have not much altered these patterns. The many wars and the continuous state of siege have directed the concerns of society towards national priorities, rather than to the status of its individuals. Issues like equal rights for women in social, economic and religious matters, and the attempts at creating a feminist political platform in the Knesset have met with little success or popularity, even among the women in Israel. With the continuous need for a large, stable male military structure (the women's divisions being relegated to service roles only), the tendencies towards the preservation and cultivation of a strong male self image have continued to prevail. At the same time, the insecurities on the outside have continued to emphasize the need for security and stability in the home and the traditional roles of women. Few dare to rock the boat and challenge the foundations of society's structure, and much is rationalized by excuses of national unity and existing myths of equality. The needs, however, for an improved quality of life for both women and men, and the need to share equally the responsibilities for the nation are more and more felt, as well as the yearnings for a state of peace, in which these just and fair goals might be implemented.

The Challenge to Modern Orthodoxy

JOSHUA BERKOWITZ

ACCORDING TO THE JEWISH LAW, ON SUCH matters as permitting a critically ill person to eat on Yom Kippur, the patient's own assessment of his illness takes priority over that of his physician. If the same principle were to be applied to the opinions of religious movements, then modern Jewish Orthodoxy is in serious trouble. The bulk of the evidence pointing to the fragileness of that movement may be derived from its own recent preoccupation with defining and charting its goals and strategies. The prognostication often tends to be negative. Its rabbinic leaders who feel that the future is positive seem to rely on a faith that God will help them succeed.

The 1982 annual fall rabbinic alumni convention of Yeshiva University, the rabbinic school most clearly identified with modern Orthodoxy, devoted its opening session to assuring its members that there is, indeed, a future for modern Orthodoxy. In another session that took place a day later, the rabbis discussed the problems presented to the modern Orthodox synagogue by right-wing *shtiblakh*. Synagogues that had been the focus and pride of traditional Judaism in the suburban communities were losing their traditional role to smaller, store-front type shuls. Another example of this self-examination is the 1982 spring issue of *Tradition*, the quarterly issued by the Rabbinical Council of America (an organization representing the modern Orthodox rabbinate) which was exclusively devoted to a symposium entitled "The State of Orthodoxy." But even without modern Orthodoxy's own public reflection and assessment that all is not well, it is very easy to discern the obvious: modern Orthodoxy is facing its most serious challenge. What is surprising is that this challenge is perceived to be coming, not from the less observant left, but from the more rigid right.

The first challenge to modern Orthodoxy is a growing belief, especially among people who identify with the movement, that it is not as authentic in conviction as the right-wing movement (or, as the latter prefer to call themselves, the *yeshiva velt* or "Torah Jews").¹ Leaders of the modern Orthodox movement dismiss the charge that they are compromi-

1. Samuel Heilman, *Synagogue Life: A Study in Symbiotic Interaction* (Chicago: University of Chicago Press, 1976).

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sers of Halakhah by pointing out that they have never violated any halakhic principles or even customs. In terms of actual observance they abide by the Shulḥan Arukh in the same fashion as does the right wing. Often, modern Orthodoxy is perceived to be a holding pattern for those who are not yet ready to become as committed as the right wing. To many right-wing adherents, the philosophy of modern Orthodoxy is a sanitized version of a “having-the-cake and eating-it-too” reduction: an acceptable way of being Orthodox while still enjoying the fringe benefits of what the secular world has to offer.

A more serious challenge to modern Orthodoxy is the geometric growth of the right-wing movement at a time when the visibility and respectability of modern Orthodoxy is in serious decline. Large metropolitan Jewish communities are experiencing a growth of right-wing Orthodox institutions, such as *shetiblah* and *glatt* Kosher butcher shops, while modern Orthodox synagogues see only an annual decrease in members and activities. There is also a growing acceptance of many right-wing customs and behavior, such as the virtual absence of mixed dancing at weddings, even among members of modern Orthodox synagogues.

The right wing supremacy is evident in every facet of Orthodox Jewish life. The recognized spokesmen for Orthodoxy, even for many modern Orthodox laymen, are the leaders of the “yeshiva world.” The rabbis ordained by such an institution as Yeshiva University, who, in addition to their ordination may have obtained impressive secular educations, are not viewed in this role and, what is more, many of these same rabbis look to these right-wing *Roshei Yeshivot* (heads of Torah academies) for spiritual and halakhic guidelines instead of their own elder colleagues in the movement. It is not uncommon for Yeshiva University pulpit rabbis to call upon Rabbi Moses Feinstein or Rabbi Moses Bick, recognized right-wing halakhic experts, or the heads of such Torah academies as Telshe in Cleveland and Ner Israel in Baltimore to ask their opinion on communal and halakhic questions.

Not only is the Orthodox community becoming more right-wing, but the bastion of modern Orthodoxy, Yeshiva University, is following that general pattern. The Rabbi Isaac Elchanan Theological Seminary, the rabbinic training school of the University, is increasingly resembling a Lithuanian style yeshiva.² The rabbis who are graduated from it today are more likely to marry women who will keep their heads covered with a *sheitel* (wig) or with an Israeli style kerchief all the time. Modern Orthodox rabbis are more likely than their predecessors to wear their *tallit* (prayer shawl) over their heads. They may also wrap their *zizit* around their belt — a custom that the previous generation of Yeshiva University rabbis scarcely ever observed.

2. Wiliam B. Helmreich, *The World of the Yeshiva* (New York: The Free Press, 1982), especially pp. 233-236.

The current swing to the right is a phenomenon that is endemic not only to the rabbinic students of Yeshiva University. It seems that everyone within the modern Orthodox movement has changed the emphasis from "modern" to "Orthodox." Or, put in another way, has made the word "modern" define the term "Jew" rather than the word "Orthodox." Graduates of Yeshiva University, upon becoming community leaders in their respective communities and synagogues, have increasingly opted to attend *shtetl* and other right-wing institutions, and will often elect "black hat" rabbis to their pulpits rather than the *kipph serugah* (knitted yarmulka) variety of Yeshiva University.

Some of this latter behavior may be dismissed (as I have heard an Yeshiva University administrator do) by offering two explanations. The first is that Yeshiva University students may have difficulty in relating to a rabbi as their spiritual leader when only a few years ago he played ball with them, joined them on double-dates, and even shared a few risqué jokes. Secondly, many modern Orthodox congregations may have other Yeshiva University ordained rabbis who are now in secular professions as congregants. As a result, they feel that there is a need to hire someone whose own rabbinic training took place elsewhere. But what cannot be easily explained is that most graduates of the schools identified with modern Orthodoxy look to the right-wing rabbis as their religious leaders.

Several other explanations have been suggested for this growth of right-wing Orthodoxy and the ready acceptance of right-wing leadership. One facile one is that the movement which is the more demanding, in terms of commitment and imposed restrictions, is the one considered to be most authentic. But as with many simple explanations, this fails as a proper response.

In truth, there is very little that separates modern Orthodoxy from its right-wing counterpart. The underlying principles of *Torah min hashamayim* (the divine origin of Torah and all of the prescribed laws found in the Codes) as well as the integrity of the halakhic process is underscored by both. There are no halakhic principles which separate the two camps. They share an equal commitment to the state of Israel: Agudath Israel (the religious party that serves as the political voice of the ultra-Orthodox) is a member of the Israeli Knesset. There are few, if any, doctrinal questions that separate the two Orthodox camps.

What is most grating to the modern Orthodox leadership is that while so little separates the two camps, the schism between the two is becoming wider. Though several unidentified right-wing Orthodox spokesmen were asked to submit replies to the symposium published by *Tradition*, no one accepted the invitation. That not one right-wing spokesman was willing to address himself to the growing tensions between the right and left-wing movements of Orthodoxy is a most disturbing harbinger. This lack of cooperation is not new: no one who is respected in the right-wing Orthodox rabbinate is a member of the Synagogue Council of America,

an umbrella group which also represents the Conservative and Reform movements. Right-wing Orthodoxy also disapproves of the Rabbinical Council because it includes among its members rabbis who serve in synagogues that do not have separate seating sections for men and women. The right wing may already consider the modern Orthodox movement as heretical, or, more probably, irrelevant.

The answer to the declining role of the modern Orthodox movement does not lie in the encroachment by right-wing Orthodoxy. Nor does the solution lie in *adopting* an ideology that heretofore was confined to institutions or in pages of journals to affect the average modern Orthodox *shul-goer*.³ The problem resides in the basic failure of modern Orthodoxy to define itself. One of the great misfortunes of modern Orthodoxy is that glib formulations of what it represents are no longer cogent — if they ever were. The two most common definitions of modern Orthodoxy are, in order of frequency of use: a willingness to confront modernity; and a belief in the synthesis of secular and Jewish knowledge.

That modern Orthodoxy is willing to confront modernity — whatever that may be — is to imply that the right-wing movement does not. Yet there is very little that separates the two camps in terms of modernity. Many of the laity who identify with the right-wing Orthodox are clothed in conservative modern attire. Even those who continue to wear garments that clearly identify them as Orthodox Jews, do not — for the most part — belittle those who do. The modern Orthodox usurpation of the claim to confront modernity also implies that the right wing has remained isolated and remote. The modern Orthodox Jew knows that that is not so. Today's Hasidim are not the ones who stare at us from Roman Vishniac's photographs. They have been transformed, in the past few years, into what may be called *Americanishe* Hasidim: men with beards and *payot* who can operate the latest computer equipment, serve as physicians, and run for locally elected office. Even right-wing Orthodox women have become Americanized, they wear *sheitlakh* that are as attractive and as natural looking as the coiffure of Farah Fawcett-Major, and attend the curtained-off section of their *shitblakh* in the latest fashionable garments. The only restraint they have in choosing their designer-inspired dresses is the length of the sleeves and hemlines. Modernity — at least its outward manifestation — has been absorbed by the right-wing element to the point where it seriously questions the exclusive usage of that term as claimed by the modern Orthodox movement.

The modern Orthodox claim of confronting modernity must mean more than — as Rabbi Shlomo Riskin stated in his response in *Tradition* — Jewish men with yarmulkas dancing at fashionable discos and modern Orthodox groups sponsoring Kosher tours to exotic hideaways for Shavuoth. The same may be said, *mutatis mutandis*, of the modern Orthodox

3. Lawrence Kaplan, *The Ambiguous "Modern Orthodox Jew,"* JUDAISM (Fall, 1979): 439-448.

rabbi. There must be more that distinguishes him from his right-wing colleague than the willingness to play tennis attired in appropriate white shorts and yarmulka.

The second definition of modern Orthodoxy, that it is committed to the synthesis of a secular and a Jewish education, has never been manifested on American soil, and is actually one of the best maintained myths on the Jewish scene. While Yeshiva University's slogan has always been that it is a school which educates its students to synthesize their Jewish knowledge, as taught in the morning hours, with the secular studies as taught in the afternoon, in practice this rarely — if ever — occurs. As Dr. David Singer, Y.U. alumnus, points out in his *Tradition* contribution to the symposium, the two branches of study have never met there. The Talmud classes are taught by either older Lithuanian rabbis (often old yeshiva colleagues of similar rabbis in right-wing yeshivas), or Yeshiva University graduates who have adopted similar attitudes. A Talmud instructor who interpolates socio-economic explanations into his halakhic pronouncements will soon find himself ostracized both by the other faculty members and the student body. The Bible classes that may be taken for college credit at Yeshiva University are usually taught by the very same rabbis who teach Talmud in the morning. Biblical criticism is not discussed — it is not even acknowledged. As one Talmud instructor at Yeshiva once explained, there was never an acceptance of synthesis, only one-sided symbiosis: a reluctant, limited acceptance of the secular world — but only enough to get by. In my own days at Yeshiva University, only Rabbi Emanuel Rackman, who taught us Jurisprudence, was "guilty" of a true synthesis. (The course's heavy concentration on comparing Jewish law to other forms of law quickly caused it to be dubbed "Jewish-prudence.") The right-wing Yeshiva student who goes to a city college at night enjoys as much synthesis as does the student at Yeshiva University. There is no contemporary yeshiva in which synthesis is taking place. At best, what is happening between the two types of studies can be described as compartmentalization. According to Rabbi Immanuel Jakobovits, another respondent to the *Tradition* colloquium, there has not been a school of higher education that practiced synthesis since the schools founded by Hirsch and Hoffman in Germany.

Another distinction that has been touted by modern Orthodoxy may be stated in the following fashion: while the right wing views higher secular education as a concession to *parnasah* (earning a living), the modern Orthodox welcomes it as an additional source of understanding our obligation to grow up as committed Jews. Yet this distinction, too, is becoming blurred. In today's economic climate, college students — including those at Yeshiva University — see their education not so much as an opportunity to broaden their minds and appreciate and understand their Jewish heritage, but as a transit stop on their way to a respectable medical, business or law school. While the modern Orthodox student may not see his

college education as a *bitul zman* (waste of time) from Torah learning, he too often views his education only as a vehicle for a better paying job. The gap that once existed between the two camps' approach to a secular education is slowly evaporating.

The halakhic and intellectual leader and teacher of the modern Orthodox movement, Rabbi Joseph B. Soloveitchik, is respected not so much because he is part of the modern Orthodox camp, but because he is part of a chain that unites him — and by extension the movement — with the past and present yeshiva world. His written philosophical works, while harnessing his secular learning, never obscure his intention of enlarging only the Jewish tradition. The Rav (as he is called by his students) is not an ideologist for secular training. His modernity, as is pointed out by Singer and Sobel, is visible only in his approval of any and all technological advances.⁴ This position hardly distinguishes the disciples of the Rav from those in the "yeshiva world" group. The right-wing group also utilizes all the technological wizardry of our age. Even television is no longer taboo: Lubavitch employs cable T.V. to broadcast the messages of the Rebbe.

The major challenge to modern Orthodoxy is a need clearly to identify its position. It lacks a clear and consistent philosophy. And because it lacks a philosophy, it is becoming increasingly difficult to espouse its cause with any passion. Without a cause and a willingness to fight for the institutionalization and programs that would result from such a philosophy, modern Orthodoxy will soon be reduced to being a curious cipher on the Jewish scene. The words modernity and synthesis, used for years as the modern Orthodox equivalent of "remember the Alamo" are no longer sufficient. Without concrete proposals that clearly emanate from a philosophy the prospect is bleak.

4. David Singer and Moshe Sokol, "Joseph Soloveitchik's Lonely Man of Faith," *Modern Judaism* (October, 1982): 227-272.

Self-Confrontation and the Mourning Rituals

JOEL B. WOLOWELSKY

RITUALS PLAY AN IMPORTANT ROLE IN THE Jewish community. For some people, they provide the mechanism by which they express their identification with the group; for others, rituals define the process through which, as individuals, they identify with the covenant that God has established with His people. But rituals do not only turn a person outward to the larger community of which he or she is part; sometimes they turn one inward, to confront one's inner self and see that personal world in a somewhat different light. In a sense, they bring the values and perspectives of the halakhic community to bear on the individual, thereby forcing an understanding of the self in accordance with the system's assumed psychology. This is especially true when one is forced to deal with basic primary feelings and emotions.

Cushioning the frightening and confusing confrontation with the death of a close relative is a Herculean task. In addition to coming face-to-face with one's own inevitable end, the mourner — often without preparation — is suddenly forced to deal with the wide range of feelings and thoughts that begin to rage inside. It is therefore quite natural for the halakhic tradition to have developed a sophisticated methodology for dealing with this phenomenon, the underlying approach of which has been succinctly expressed by Rabbi Joseph B. Soloveitchik:

The halakhah has displayed great compassion with perplexed, suffering man firmly held in the clutches of his arch-enemy, death. The halakhah has never tried to gloss over the sorrowful, ugly spectacle of dying man. . . . It understood man's fright and confusion when confronted with death. Therefore the halakhah has tolerated those "crazy" torturing thoughts and doubts. It did not command the mourner to disown them. . . .¹

Thus, he explains, the mourner's initial exemption from positive *mizvot* is but an expression of the halakhah's insistence that the grief-stricken individual expresses those feelings of purposelessness which

1. Rabbi Joseph B. Soloveitchik, "A Eulogy for the Talner Rebbe," in Joseph Epstein, ed., *Shiurei HaRav: A Conspectus of the Public Lectures of Rabbi Joseph B. Soloveitchik* (New York: Hamevaser, 1972), p. 18.

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arise in the face of death. Yet the *onen* (the bereaved in the first stage of mourning) is not allowed to wallow in these feelings; the halakhah insists that with the closing of the grave the mourner gain control of these emotions and heroically proceed to get on with life. Indeed, the dialectic of forced expression contrasted with deliberate control is a constant theme running through many of the traditional mourning practices.

This insight that the tradition aims at exposing the mourner's personal — even subconscious — emotions is poignantly noted by the Saba Mislabodka, Rabbi Natan Zvi Frankel. He was struck by an anomaly in the laws regarding *Sheheḥeyanu* (or *Hatov Vehameitiv*), the *berakhah* which is recited when hearing good news or feeling great personal joy (and which stands in contrast to the *Dayan Emet* blessing recited when hearing bad news). Ashkenazic custom is that *Sheheḥeyanu* not be recited at the *brit* of one's son.² On the other hand, the halakhah insists that the *berakhah* be said at the time of one's father's death, as news of the death brings with it the "good news" of the inheritance.³ The explanation, he writes, is simple:

To what extent did *Hazal* penetrate the innermost depths of the person! Here he makes a celebration, singing joys to God and man. But they said to him: Don't say the *Sheheḥeyanu* blessing, because deep inside you are pained [that your son will suffer during the *brit*]. And here he cries, rips his clothes and mourns; yet they said to him: Say the *Sheheḥeyanu* blessing, because deep inside you are pleased that you received this inheritance.⁴

God is the God of truth, said Rabbi Eleazar,⁵ and He is not to be deceived. To the outside world, the mourner might be totally crushed. But within there is a selfish reaction, there are feelings of self-concern which might well be embarrassing if exposed. Nonetheless, said the rabbis, those internal responses must be brought to the surface before they be dealt with. (Apparently, the recitation of this *berakhah* at funerals has, to a large extent, fallen off in America.⁶ While there may be many subtle explanations for this phenomenon, it might well prompt us to consider to what extent the halakhic community feels the influences of the death-denying character of contemporary Western culture.)

Interestingly, the time for saying *Sheheḥeyanu* is immediately after reciting *Dayan Emet*, which, in turn, is at the time of *keriyah*, the ritual tearing of the mourner's clothes.⁷ On the surface, *keriyah* might simply sym-

2. Rema's gloss to *Shulḥan Arukh*, *Yoreh Deah*, 265:7.

3. B.T. *Berakhot* 59b; *Shulḥan Arukh*, *Orah Hayyim*, 223:2.

4. Quoted in *Hayei Hamusar*, edited by the students of Yeshivat Beit Yosef (Bnei Brak: Hakhmah Umusar, 1953), p. 70.

5. So ends a piece of *aggadita* (B.T. *Yoma* 69b) which I believe epitomizes many of the themes of *avelut*, especially those which express the mourner's interaction with the community. Viz. Joel B. Wolowelsky, "A Midrash on Jewish Mourning," *JUDAISM*, XXIII, 2 (Spring, 1974):

6. Rabbi Yekuti'el Greenwald [*Kol Bo Al Avelut*, vol. 1 (New York: Philip Feldheim, 1965), 212-215, p. 27] expressed amazement over the fact that the *berakhah* is not recited and could offer no halakhic justification. However, the *Kaf HaḤayyim* (*Orah Hayyim* 223:2 n.10) quotes authorities who try to justify the custom.

7. *Ibid.*

bolize the torn heart of the mourner, but a Talmudic discussion⁸ regarding the laws of Shabbat gives us added insight into the dynamics of this practice. The Mishnah there relates tearing one's clothes on Shabbat in a fit of anger to doing *keriyah* on Shabbat as an act of mourning. And while one would normally not be fully culpable for a prohibited act which is of a destructive nature, the Rambam rules⁹ that tearing one's clothes in a fit of anger on Shabbat is a constructive act inasmuch as it is a cathartic action which settles the agitated mind. His ruling is based on our Gemara's discussion, where a second principle is established: venting anger is constructive if the expression is controlled; uncontrolled rage is akin to idolatry.

We have, then, a key to an understanding of the function of *keriyah*. While the outward display of certain emotions is not fully accepted in our society, it is well known that mourners normally experience anger as a reaction to death.¹⁰ There is anger towards the deceased for abandoning and "inconveniencing" them, and anger towards themselves — guilt — for feeling that anger.

Often the anger is repressed . . . [The mourners] may feel guilty because of their anger, and this guilt serves to intensify their anger, which, in turn, intensifies their guilt.¹¹

Similarly, there may be anger towards God for allowing this to happen, and — especially for a religious person — this reaction, too, might create feelings of guilt. The tearing of one's clothes might seem to be a spontaneous release, but the series of halakhic requirements actually turn it into a controlled reaction.¹² Studies have found that it is a great relief for the bereaved to have been able to express these feelings and to learn that it was neither uncommon nor uniquely wicked to have them.¹³ *Keriyah* allows emotions which may border on frightening rage to be expressed as controlled, healthy anger.

But if *keriyah* is directed to the mourner's emotional world, it is also addressed to his or her intellectual awareness. One must do *keriyah* if present at the actual death of any individual.¹⁴ It is not that the passing of this anonymous person evokes a sense of anger or personal loss. *Keriyah* here

8. T.B. *Shabbat* 105b.

9. Maimonides, *Mishneh Torah*, *Hilkhot Shabbat*, 10:10.

10. John Hinton, *Dying* (Baltimore, Md.: Penguin Books, 1972), p. 171.

11. Richard A. Kalish, "Dying and Preparing for Death: A View of Families," in Herman Feifel, ed., *New Meanings of Death* (N.Y.: McGraw-Hill, 1977), p. 230.

12. *Shulhan Arukh, Yoreh Deah*, 340; Greenald, 26-33; Rabbi Yekutieli Tukachinsky, *Gesher Hahayyim*, vol. 1 (Jerusalem: Solomon Press, 1950), chapter 4. For example, the tear must be done while standing; it must be a particular size and done in a particular place on one's clothes; etc. Significantly, a close reading of the *Shulhan Arukh* (*Yoreh Deah*, 339:3) indicates that *keriyah* is a response to saying *Dayan Emet* — almost as if being forced to describe the event as God's justice necessitates the cathartic release of *keriyah*.

13. Hinton, p. 171.

14. *Shulhan Arukh, Yoreh Deah*, 340:5.

is part of *kibbud hamet*,¹⁵ the honor automatically due a dead person. *Kibbud* is mandated behavior, not directed emotion. It is an acknowledgment of our values, in this case our commitment to the infinite value of human life. One may have a dispassionate awareness of the inevitability of death, but cannot witness an actual death without acting out a sense of loss. The distinction between the emotional and intellectual aspects of *keriyah* is seen in the willingness of the halakhah to forego the latter. In general, one who refuses to do *keriyah* is guilty of a mortal offense;¹⁶ yet, because insistence on performing a rite which has only intellectual motivations might drive people away from staying with a dying person — the thought of having to ruin one's jacket might blind human sensitivities — the obligation for this *keriyah* was lifted.¹⁷ The halakhah cannot tolerate burying uncomfortable emotions, but it would not allow a concern for *kibbud hamet* to condemn a person to a lonely death.

Another example of intellectual *keriyah* is that which is done in the face of the loss of one's parent. The tear done for any relative may eventually be repaired, while that done at the death of a parent may never be fully healed.¹⁸ But that does not encompass a full description of the dynamics of this *keriyah*.

Time itself is a cushion, and if one has not done *keriyah* at the time of death, one need not do so after *shaat himum* — the time of heated emotions — has certainly passed. But in the case of parents, one must do *keriyah* even after all emotions have settled.¹⁹ This should not be surprising as, in general, respect for parents is defined in terms of specific religious obligations rather than free emotional responses. Indeed, the halakhah has dealt frankly with the possibility of a parent's actions and life style not inspiring fear and respect, suggesting that in such a case the child observe the *mizvah* in response to the call of "the King of Kings who has so commanded us," if not in response to the parents.²⁰ It would be nice if respect for one's parents came naturally, but that is unfortunately not always so.

Actually, respect for parents is part of natural law, but in a different sense. Rabbi Soloveitchik has argued that the *Aseret HaDibrot* — "The Ten Commandments" — stand apart from the rest of the *mizvot* in that there is an inescapable natural punishment associated with violating any of the Ten.²¹ If one ignores, for example, an injunction against picking up a red-

15. This explains the fact that while an *onen* is exempt from all positive obligations, the mourner is (generally) required to do *keriyah* before the *onen* period has ended. The *onen*'s original exemption is part of *kibbud hamet* (J.T. *Berakhot*, chapter 3, halakhah 1); one would, therefore, not be exempt from *keriyah* which itself is part of *kibbud hamet*.

16. B.T. *Moed Kattan* 24a.

17. Greenwald, p. 26, 2.

18. *Shulhan Arukh*, *Yoreh Deah*, 340:15.

19. *Ibid.*, 340:18.

20. *Ibid.*, 240:3.

21. "*Aseret HaDibrot*," summarized in *Shiurei HaRav*, pp. 46-50.

hot rod, a plea of ignorance of the law will not shorten the “sentence” of pain, and the sincerest form of repentance will not reduce the blister. So, too, will violating any of the *Aseret HaDibrot* bring on a “natural” penalty. And *Hazal* indicated that the natural punishment in our case is: Your child will not honor you if you do not honor your parents.²²

On the surface, this might be troublesome, as one can be a fine person quite worthy of his children’s respect and still have as a parent a rogue who himself merits no respect! But the halakhah speaks of *showing* respect, not necessarily of *having* respect. Children growing up without a distanced and mature view of their parents’ actions often find it hard to see them in the best light. Sometimes a harsh judgment is justified, but time often creates a different, kinder perspective. A parent is in many ways a knight in shining armor to a child; but that same child also often has the best vantage point to notice the tarnish. Those who have not mastered the art of seeing their parents in the best possible light cannot expect their children to act otherwise.

The halakhah therefore obligates the child to *show* respect. Of course, one might well argue that being forced to treat a sinner as if he or she were a saint would intensify ill will and feelings of bitterness. But *kibbud* does not mandate false flattery; it requires a limited number of specific *pro forma* acts of courtesy.²³ In conforming to the demands of the halakhah, a child is pressed to put a brake on fostering ill feelings and to find those good points which might have been missed. Attitudes are expected to follow actions and the death of a parent does not exempt the individual from having to temper feelings with intellectual understanding.

Here, then, are both sides of *keriyah*. Not only does it force one to acknowledge and control those feelings of anger and rage, but, as part of the more general *mizvah* of *kibbud*, it forces an intellectual awareness that might otherwise be missed.²⁴ With the other rituals of mourning it defines a “halakhic grief therapy” committed to truthfulness and an appreciation of reality with all its subtleties.

22. Maimonides, *Guide for the Perplexed*, III:40.

23. *Shulhan Arukh*, *Yoreh Deah*, 240.

24. The rabbis had long ago concluded that *mizvot* done out of a sense of halakhic obligation had greater religious import than those done in a response to an inner personal calling (*Kiddushin* 31a). Yet this principle was not necessarily extended to every *mizvah*. For example, in explaining why no *berakhah* precedes the sending of *mishloah mannot* (“presents” of food) on Purim, Rabbi Yechiel Yaakov Weinberg (*Seidei Eish*, vol. 2, responsum 46) argues that the purpose of this *mizvah* is to create and strengthen friendships; to precede it with the phrase “who commanded” and thereby indicate that the gift was the result of religious obligation rather than personal feelings would — contrary to the general principle — cheapen the moment. Interestingly, there is no *berakhah* for *keriyah*, despite its obligatory nature. This is most probably because its *primary* purpose is in how it relates to the emotional component, notwithstanding its “intellectual” concern of *kibbud hamet*. See also Greenwald, 27, 5.

the unbinding of isaac

ARTHUR P. NEMITOFF

struggling
in the bonds of the
Akeda
obligated by divine force
halted by self will

desire:
to release him from
the altar
to free him from his
captivity
to let him grow and not
die

duty:
to force the burden of fire
upon him
to restrain him atop the
mountain
(. . . which i will show thee)
to lift the knife of truth
against his face

shall a divine messenger
restrain me?
shall i be redeemed
from
my sacred task?

shall i live to clasp him
again?
shall we be united as one
. . . or two to be
separated by a Third?
(. . . Divine in Spirit;
Devilish in Nature)

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shall i be called twice
to cease the duty
and
begin the desire?

shall i be called
to nurture
and not
to destroy . . .



Abraham

ARCHIE ROTTENBERG

Father, Abraham, why did you
Not raise your voice in protest
Against the sacrifice
Of your beloved son for the greater
Glory of God? You did for strangers
In foreign cities not worth
Saving, not really known to you,
For some abstract concept
Of universal justice or reputation.
Was your son, then, so much less
Important, being of your own blood,
Supposedly of your nature and prepared
To carry on the same traditions
Begun, but recently, by you
For the very same purpose?
Were you trying to teach
Us to accept perpetual binding, a few
Drops drawn, constantly, or not so few,
Yet never ultimate 'shehitah'
Slaughter physically complete?
How great a cost emotionally,
Father, Abraham, how great
A cost throughout our eternal
Sanctification of His holy name.

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A New Rite From Zion

Review Essay by ERIC L. FRIEDLAND

Ha-^cAvodah shebe-Lev: Order of Prayers for Weekdays, for Sabbaths and for the Festivals of the Year. Jerusalem. The Movement for Progressive Judaism in Israel, 5742 (1982).

IF ANY OF US WERE TO GIVE AS MUCH AS A thought to the matter, we would probably assume that we in the English-speaking countries have an edge in producing and "putting on" creative services. One merely has to think of the prayer manuals that are constantly being issued, in hardcover, paperback, stapled or looseleaf format. But our Israeli counterparts in the Progressive Movement (*Tenu^cah le-Yahadut Mitqademet*) have scarcely been ones to sit back and watch others capture the initiative in the area of liturgical development. After some ten years of relying on experimental/provisional editions of a prayerbook as well as occasional mimeographed services, they have finally come out with a new *Siddur* in which they may certainly take much pride. The new Progressive rite from Israel bears the appropriate title, taken from the Talmud, *Ha-^cAvodah shebe-Lev*, "The Service from Within the Heart." There is, indeed, much in its 263 pages that touches the heart, some quite profoundly. As prayerbooks go, this one is lean and compact, yet substantial. Without presuming to aim at all-inclusiveness, it all but reaches the point of being a *Kol-Bo*, an all-purpose book of ready liturgical reference.

What will undoubtedly first strike the reader is the handsome type. The second feature will surely be the book's spare appearance, owing to the elementary fact that *Ha-^cAvodah shebe-Lev* is nearly all in Hebrew. As might be expected, no translation accompanies the text, simply because there is no need for one, except for a couple of pieces in Aramaic, the *Kaddish* and the postprandial Sabbath hymn *Yah Ribbon Olam*, both of which are furnished a Hebrew translation. The rubrics are discreetly few and couched in a flawless Hebrew after the classic style of the Mishnah. The wide margins are modestly intersected by a biblical or rabbinic source for a given prayer or psalm.

Ha-^cAvodah shebe-Lev is obviously a home-grown product of Israel, even if subsidized in part by the World Union for Progressive Judaism

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and the Central Conference of American Rabbis (Reform). The indigent quality of the prayerbook is shown in many different ways. For instance, the Tetragrammaton, or the unutterable four-lettered name of God which tradition has ordained be pronounced *Adonay*, appears in this rite invariably in all of its four consonants (Y-H-V-H) without the vowels. By contrast, in most of our American manuals of prayer the sacred name will have — in accordance with centuries-long usage — either the four consonants with the vowels for the substitute-term *Adonay* supplied or simply two *yods*, as an abbreviation for the ineffable divine name. The unvocalized spelling of the Tetragrammaton, as in *Ha-‘Avodah shebe-Lev*, has been the norm for a while now both in the Koren Bible, published in Israel, and famed alike for representing the best and the latest scholarship on the Masoretic text of the Hebrew Bible and for its comely Hebrew type, and in prayerbooks issued under the aegis of the Israeli Chief Rabbinate.

It has been the habit of many a modern prayerbook to devote a section, not long after the introduction, to tone-setting ruminations on the theme of prayer. The American Reform *Sha‘arey Tefillah* (*Gates of Prayer*), patterned in large part after the Liberal *‘Avodat ha-Lev* (*Service of the Heart*) from England, contains several pages precisely for this purpose from an extensive variety of sources. The Israeli *Siddur* under review also sets apart a section toward a similar end. What is distinctive about the treatment here is that, aside from a couple of passages from the Talmud and from Maimonides, and an excerpt from that true *ba‘al tefillah*, Abraham Joshua Heschel, the selections are written by residents of *Erez Yisrael*, among them the latterday kabbalist and its erstwhile chief rabbi, Abraham Isaac Kuk, and the contemporary Israeli religious thinker, Eliezer Schweid.

There is no question that the Israeli experience has etched itself deeply in this prayerbook. Scarce a page escapes it. The ravages of war and the country's embattled state are reflected prominently in the service for *Yom ha-Zikkaron* (Memorial Day), which takes place before *Yom ha-‘Azmaut*, and in a *Mi she-Berakh* prayer for those entering the armed forces in defense of Israel's borders. In a lighter vein, a unique service has been prepared for the planting of trees. While there is no mistaking the prayerbook compilers' pride in the Jewish homeland and their taking for granted its part in the divine scheme of salvation, a recognition lingers that final redemption has yet to come. The eschatological amalgam of the heavenly Jerusalem and the earthly Jerusalem still awaits realization. Attesting to this incomplete, premessianic state of affairs, the third blessing of the Grace after Meals is reworded: "Complete the building of Jerusalem, Thy holy city (*Ve-hashlem binyan yerushalayim . . .*).” The Israeli religious Progressives can be seen to take seriously the notion of the Ingathering of the Exiles as a prerequisite for the ultimate redemption. In the tenth benediction of the Weekday *‘Amidah* they pray: "Gather our dispersed (*vs.* the traditional "us" — meaning, however, "us" Jews in the lands

of dispersion) from the four corners of the earth *unto our land*" (the last prepositional clause having been tacked on). (Similarly, in the paragraph before the morning *Shema*, the traditional verse *ve-tolikhenu qomemiyut le-³arzenu* is adjusted and made to read, in Hebrew, of course, "and lead *them* upright to our land.") The plea heavenward that we "diasporates" be moved to come home — to make *Aliyah*, really — hardly corresponds with the nineteenth-century Reformers' doctrine concerning the *Endzeit*, to say the least!

A major concern of American and English non-Orthodox prayer-book editors has been how to bring variety into worship without marring the received structural fabric. Their opposite numbers in Israel are evidently not nearly so obsessed; for them the structure and content remain essentially the same from service to service. Hence the Israeli Progressive *Siddur's* freedom from the bloated look! To a significant degree they are able, however, to break the monotony of drearily doing the same service over and over again in ways that are perhaps more subtle and less grandiose than the way we handle matters liturgical over here. As an example, *Ha-^cAvodah shebe-Lev* divides up a few of the longer prayer units, as the first blessing after the *Barekhu* (*Yozer Or*) and the one after the *Shema* (*Geullah*), into shorter, self-standing paragraphs, each separated by an asterisk, so that a choice may be made among them for reading or chanting. The authors providently put to advantage the optionality of the silent meditation at the close of the *Amidah* and made available a number of readings, old and new, some of them poems (among them real gems), for private devotion within the context of public worship. On a rare occasion, an alternate version of a given prayer will be placed alongside the traditional text, to accommodate the sentiments of individuals and/or congregations within the Progressive Movement in Israel. For example, a revised *Aleynu* accompanying the standard rendition has the following:

It is our duty to praise the Lord of all things, to ascribe greatness to Him who formed the world in the beginning *and who separated us from them that go astray and gave us the Torah of truth and planted everlasting life in our midst, for all the nations may walk in the name of their gods* (Micah 4:5), for we bend the knee . . .

(The emended portion is accordingly italicized.) In analogous fashion, as a stand-in for the second paragraph of the *Shema* (Deuteronomy 11:13-21: "And if you will indeed hearken unto My commandments . . ." (in regular type), with its promise of meteorological regularity in exchange for upright ethical behavior, the compilers of *Ha-^cAvodah shebe-Lev* suggest Deuteronomy 30:15-20 (appearing in smaller type), which would present fewer awkward problems for the religious liberal.

The Israeli religious Progressives' apparent unconcern with gender terminology would undoubtedly reek of rank heresy to their American siblings. What may look like indifference or plain laxity springs, in part, from the intrinsic character of the Hebrew language, for all nouns and

verbs are either masculine or feminine, there being no neuter to speak of. An egalitarianism of sorts does, however, turn up sporadically in the Jerusalem prayerbook. Occasionally a *Mi she-Berakh* prayer (generally a blessing offered up on behalf of someone, beginning formulaically, "May He who blessed our fathers, Abraham, Isaac, and Jacob, bless . . .") will include the matriarchs, Sarah, Rebekah, Rachel and Leah. An unusual one for a person just inducted into the Israeli Defense Force begins "May He who blessed our fighters [long ago], Joshua, David and Judah, Deborah, Jael and Judith, bless . . ." Moreover, the creators of *Ha-^cAvodah shebe-Lev* show their liberal, non-sexist side in launching the Thanksgiving after Meals with "Friends, let us say grace," rather than the customary "Gentlemen, let us say grace." But slipups do occur, as the invitation to the *Havdalah* blessings at the outgoing of the Sabbath still has *Savrey Maranan* (meaning something like "Sirs, may I have your attention?"), which is both traditional and unabashedly sexist. A mitigating carryover from the official rite of the Israeli Orthodox rabbinate referred to before is the placement of a feminine *modah* alongside the fixed masculine *modeh* for the familiar *Modeh Ani* prayer upon arising in the morning. Surely more significant, by far, than these periodic textual changes is the inclusion of original poems and sundry pieces by women, spiritual outpourings and frank musings that should cover the sin of an adventitious male chauvinist lapse.

Many nice touches turn up that are apt to escape the attention of one casually thumbing the leaves of the new prayerbook. Some of these have already been alluded to. Others that enhance the book's appeal and utility are items like a newly-composed *Kiddush* for the eve of *Yom ha-^cAzmaut* and another for the day itself. The *Al ha-Nissim* interpolations for *Hanukkah*, *Purim*, and *Yom ha-^cAzmaut* all close, in Hebrew, with a sort of update and flourish: "Even as Thou hast wrought miracles for the first generations, so mayest Thou work them for the last, and deliver us in these days as of yore." Every so often an ancient Palestinian wording of a given prayer will appear in no more than a phrase or a clause, as in the second benediction of the *Amidah* which starts off with "Thou, O Lord, art mighty forever, *Thou humblest and exaltest*, Thou art powerful to save." The italicized phrase, which is of Palestinian origin, here also happens to replace the long-since-standardized version "Thou revivest the dead," which diction would give pause to many a non-Orthodox Jew. Further on in the *Amidah*, the compilers have handily affixed to the benediction *Rezeh* (in its normal Liberal, non-cultic recension), the older Palestinian "*Do Thou dwell in Zion, and may Thy servants worship Thee in Jerusalem. May our eyes behold Thy return to Zion . . .*" Another extra is a poignant blessing taken from the Cairo *Genizah* and discovered by Solomon Schechter nearly a century ago. The blessing, at first intended as a prelude to the *Shema*, runs as follows:

Blessed art Thou, O Lord our God, King of the universe, who hath sanctified us with His commandments and commanded us concerning the recitation of the *Shema*: to proclaim His sovereignty wholeheartedly, to affirm His unity unstintingly, and to serve Him in a willing spirit.

Ha-^cAvodah shebe-Lev places this self-preparatory blessing straight before the weekday morning *Barekhu*, the starting point for the principal portion of the service, *viz.* prior to the *Shema* and its attendant blessings, and points out in a rubric that the worshipper may recite this blessing when praying alone (minus the *Barekhu* versicle and response, which are ordinarily recited/chanted amid a quorum; [*cf. Gates of Prayer*, page 165, where the blessing is positioned immediately before the *Shema*]). The beauty of the blessing lies in its setting the tone and priming the worshipper inwardly for a liturgical summit, the *Shema* itself. Likewise, the editors did well by themselves by inserting into the section that comes after the *Shema*, the *Geullah* section that speaks of Israel's redemption in the past, new verses in biblical idiom touching on instances of redemption closer to our own time.

It is a welcome treat, too, to have a prayer appropriated from the Dead Sea Scrolls of the ancient semi-monastic Jewish sect at Qumran. It is a touching adaptation of the well-known Priestly Blessing ("May the Lord bless thee and keep thee . . .") and is inserted in *Ha-^cAvodah shebe-Lev* for a domestic service on Shabbat Eve. Maybe it will not be long before we will start feeling comfortable about including Falasha, Karaite, Samaritan, and other sectarian Jewish prayers in our *Siddur*. After all, Jewish identity embraces a good deal more than just *Ashkenazim* and *Sephardim* — or simply those whom the Chief Rabbinate adjudges eligible for inclusion in the fellowship of all Israel.

As might be expected, the impress of many prayerbooks, ranging from the Traditionalist to the Reform, from the American and European to the ancient Palestinian and Yemenite, can be spotted in the pages of *Ha-^cAvodah shebe-Lev*. Yet, were I to single out the weightiest liturgical influence on the Israeli Progressive prayerbook, I should have no hesitation in pointing to the Reconstructionist rites created in the United States, if only because they have always been theologically and liturgically forward-looking and loyally Hebraist, and, for this reason, a perspicuously viable model for any non-Orthodox Israeli *Siddur*. The much-used strategy of an appendix replete with a variety of prayers, poems, and readings with which to leaven a fixed service goes back to the Reconstructionist *Sabbath Prayer Book* of 1946. By the same token, a reminiscence of the *Musaf* service in *Ha-^cAvodah shebe-Lev* — in the form of a redefinition of its rationale, along with a series of essentially aphoristic ethical verses — harks back to the treatment in the aforesaid prayerbook (and also to Robert Gordis's superior *Meditations/Baqqashot* in the Conservative *Sabbath and Festival Prayer Book* [1946], even though in the latter volume the chassis of the *Musaf* stays undisassembled). Herewith my translation of the

Israeli Progressive *Musaf*. (I have supplied all the scriptural citations but one.)

May it be Thy will, O Lord our God and God of our fathers, that we recall before Thee the remembrance of our ancestors as they approached Thee in the days of old when they brought their obligatory offerings, the regular daily offerings and additional Sabbath offerings according to rule. Ever since our Temple hath been destroyed and we were exiled from our Land the entreaty of our lips and the meditation of our heart have become like unto the sacrifices our forebears offered up before Thee.

We have desired the nearness of God — how shall we come near?

We have sought to do His will — how shall we be reconciled?

For He is a God that hideth Himself, in the heights

of the universe is His habitation,

Every living thing is in His hand and His works are with every secret thing.

He hath commanded us ought but a commandment to keep His covenant to all generations:

“Behold, to obey is better than sacrifice, and to hearken than the fat of rams” (I Samuel 16:22)

And if thy brother becometh poor — thou shalt maintain him (Leviticus 25:35).

When a stranger sojourneth with thee — thou shalt love him (Leviticus 19:33, 34).

To the hireling who is in thy house — thou shalt give him his hire on the day he earneth it (Deuteronomy 24:15).

And water drink from thine own cistern (Proverbs 5:15) — and leave the community its own.

What hath passed thy lips do — and pay thy vows to the Most High (Psalms 50:14).

Years of life hath God given thee:

Bring thy sacrifice from thine hours.

May the words of my mouth and the meditation of my heart be acceptable unto Thee, O Lord, my Rock and my Redeemer. Thou who establishest peace (*on the Sabbath of Repentance*: the peace) in the heavens, grant peace unto us and unto all Israel. Say ye: Amen.

The prayers for dew and rain, with their stirring melodies, that, according to custom, highlight the *Musaf* Service of the First Day of Passover and of *Shemini Azeret* respectively, are shifted in *Ha-‘Avodah shebe-Lev* to the *‘Amidah* of the Festival Morning Service. In like manner, the *‘Amidah* for the *Musaf* on the Sabbath coinciding with the first day of the New Month is transplanted to the Morning Service, thus unseating the regular Sabbath Morning *‘Amidah* and rescuing a quasi-festival from oblivion. It might be recalled at this point that a nineteenth-century German/American Reformer of no mean liturgical and literary talent, David Einhorn, did precisely the same thing for his prayerbook, *Olath Tamid*.

To return to our discussion of Reconstructionist influences, several of the *Mi she-Berakh* prayers in *Ha-‘Avodah shebe-Lev* are predominantly drawn from the *Reconstructionist Sabbath Prayer Book*, often freely adapted, such as the one spoken for a couple about to be joined in wed-

lock. In the service for *Yom ha-Shoah* that is both dolorous and undaunted there appears, in Hebrew translation, David Polish's powerful vindictory poem, "Resurrection," which early appeared in the Reconstructionist *High Holiday Prayer Book* (1948).¹ In sum, it seems to me that credit should be given at least where due, and particularly to a prayerbook that has exercised such incalculable sway on all non-Orthodox rites from the 1940s on.

Ha-^cAvodah shebe-Lev is almost as exhaustive as a *Siddur* should be. It covers domestic, private, and public worship for nearly all occasions, including those having to do with the family life cycle, the Jewish festival calendar, and Israeli national life. Nonetheless, there are some surprising omissions, a few for which one could probably guess the reason and others which one might be at a loss to explain. Missing are texts for *'Avinu Malkenu*, the litany said during the ten-day interval between *Rosh Hashanah* and *Yom Kippur*, and *Tahanun*, the weekday morning penitential office. More serious — and perhaps revealing — is the excision of services that one would expect as a matter of course in a prayerbook as omnibus as *Ha-^cAvodah shebe-Lev*: services for a *Berit Milah*, a wedding, and the final rites. Could it be that the exclusion is due to the unhappy situation in Israel today wherein the Orthodox exercise a virtual monopoly over the personal lives of all the country's Jewish citizenry, from cradle to grave? The removal of such central parts from a Jewish liturgy is an eloquent and sad commentary.

A more-than-welcome feature of this new prayerbook from Zion is its small collection of Hebrew poems, contemporary in provenance and profoundly religious in character, that are scattered throughout the second half of the book. The direct and penetrating pieces by Israeli poets, young and no-longer-so-young, renowned and not-so-well-known, *dati* and secularist, alike share the vigor, candor, and immediacy of the biblical psalmists.² I have taken the liberty of translating just three of the poems into English in free verse, even where the Hebrew original is not. The first, entitled *Qinah* ("A Lament"), is by Zeev Falk and is designated in *Ha-^cAvodah shebe-Lev* to be read on *Tishah be-Av*, the fastday which commemorates the fall of the first and second Temples and related calamities:

How shall we lament the Temple,
How bewail trees and stones,
Our ears tingling from a new cry:
The voice of myriads of burnt ones.

1. Other Hebrew renditions that make their appearance in the pages of *Ha-^cAvodah shebe-Lev* are by the recently-deceased Archibald MacLeish, "The Young Dead Soldiers," for an Israeli Memorial Day Service, and "Babi Yar," by the since-tamed Yevgeny Yevtushenko for a *Yizkor* Service.

2. Most of these poems — and more — may be found in a separate supplement, mimeographed still, put out by the Conservative-Reconstructionist Congregation *Mevaggeshey Derekh* that *davvens* in Jerusalem. Unfortunately, this superb anthology remains a strictly private, intra-congregational affair.

The destruction of a third of our people
Matches the loss of its two sanctuaries,
And what will the tabernacle of our God give
When there is no longer the people to enter its gates?

How shall we recount the pogroms of the enemy,
How shall we describe the terrors of war,
Has not the destruction within the heart come first,
Eaten from within the flesh of our nation?

The destruction going on now matches
All the falls of the past.
How then do we hope for a new House
For the people of the Lord, before it has returned?

This night we weep for the House of Israel,
Over the ruin of the people in spirit and body,
Over the hiding God, a world that suffers,
And everyone who goes hence without returning.

A no less touching selection, called *Eli, Al Tiqah Mimmenni et 'Ahuvay*,
comes from the pen of Tuviah Ruebner (b. 1924):

My God, do not take my loved ones from me,
Do not let me be left alone!
Lonely people, their heart is hard
Like the bush in the wilderness.
They eat their bread in toil
With the bitter salt,
Until their tooth is set on edge,
Until their voice goes hoarse
And is made dumb and unable to say: my God,
Do not take my loved ones from me,
Do not let me be left alone!

I found *Goral Elohim*,³ by the prolific Yehudah Amichai (b. 1924) to
be grudging, ironic, and inspiring:

The fate of God
Is now like the fate of
Trees and stones, sun and moon
Which they stopped believing in
When they began believing in Him.
But He is compelled to remain with us:
At least like the trees, at least like the stones,
And like the sun and like the moon and like the stars.

It is obviously due season to steer such probing, plain-speaking talks with
God "from the periphery to the center," from the world of secularity into
the pages of the *Siddur* and thus make worship (*ha-avodah*) truly come
from the heart (*shebe-lev*) again.

3. Another translation, "God's Fate," by Assia Gutmann, may be found in *Poems by Yehuda Amichai*, intro. Michael Hamburger (New York: Harper & Row, 1968), p. 26.

They Were Their Brothers' Keepers

Brothers and Strangers. The East European Jew in German and German-Jewish Consciousness, 1800-1923. By STEVEN E. ASCHHEIM. Madison, Wisconsin. The University of Wisconsin Press, 1982. 331 pp.

Reviewed by ISMAR SCHORSCH

THE geological faults beneath the surface of Jewish life may shift from age to age, but, generically, the phenomenon courses through all of Jewish history. Often such a fault may result from divergent political fortunes that, in time, give rise to opposing communal institutions, cultural values, and religious expressions. Jewish emancipation in modern Europe, with its rich documentary sediment, is probably our most instructive example, for its impact quickly, acrimoniously, and irreparably shattered the relative homogeneity of medieval Ashkenazi Jewry. Unemancipated Jews in the east continued to live in accord with a religious culture truncated and transformed by their politically more fortunate kinfolk in the west. The tremors of that fault reverberated through the next two centuries and still disrupt the religious scene of contemporary Israel.

Long before the fact of emancipation had been realized in central Europe, David Friedlaender scornfully, but with more than a measure of truth, depicted some of the inevitable cultural and religious consequences of political integration. In a letter in 1792, he disabused a still pious friend of the idea of having his son-in-law give equal attention to his Jewish and secular studies by learning Talmud pri-

vately in the morning and then attending a Christian school in the afternoon.

You see, dear friend, from these few examples, which I could multiply by the thousands, that you must choose one or the other. Either you must let your child be educated as a *Bocher*, which means that you must teach him to believe that we are "a chosen people," that our studies are as exalted over all western learning as "is the sky over the earth," and that one is forbidden to take in hand a German book. Or you must have him exclusively educated for this world and remain utterly ignorant of whether "the daughter of a priest who had an illicit affair is to be stoned or burned." To educate him according to your opinion would be comparable to giving him a boot and spur for one foot and a dancing shoe for the other. He would learn neither riding nor dancing.¹

While it is an indisputable fact that organized German Jewry stubbornly persisted in wearing different shoes and living in two worlds, Friedlaender's ire did briefly illuminate the contours of the cleavage which soon would sever east from west.

In *Brothers and Strangers*, Steven Aschheim has set out to isolate, trace, and account for German-Jewish perceptions of east European Jewry from the end of the *Aufklärung* to the early years of the Weimar Republic. As any student of modern Jewish history knows, the subject is laden with stereotypes and fraught with emotion. Aschheim's research tends to confirm these stereotypes, but the text is noticeably free of cheap shots. The author writes with the empathy of the historian rather than the passion of the partisan, enlivening his analysis with a keen sense for the telling detail, memorable anecdote, and apt quotation. The prose is marked by clarity and vigor

and a generous selection of piquant illustrations enhances the overall effect.

Comprehensiveness seems to be the trademark of first studies of a new subject and Aschheim's work is no exception. The benefit of its large scope derives primarily from the chance to observe the permutations in attitude toward the east that bespeak the recurring bouts of religious anxiety, ambivalence, and ferment within German Jewry itself. But attitudinal studies require methodological rigor and the very sweep of this book tends to militate against it. Indeed, the absence of any discussion of method beyond an introductory declaration that this is a work of "cultural and intellectual history" suggests a failure to appreciate that, particularly in attitudinal research, reliability is a function of method. The primary consequence of this shortcoming is a consistent inability to do justice to the mainstream of German Jewry. Large generalizations rest on slender, impressionistic evidence. The marshalling of a handful of disparate essays and a few choice novels, whose popularity is never demonstrated, is hardly sufficient evidence to warrant the following blanket conclusion for the period 1800-1880:

This identification of the ghetto with social pathology was to become the norm in almost all modern discourse concerning the Jews. To the outside observer, ghetto culture appeared morally and physically degenerate. It conjured up images of medieval separatism and religious obscurantism (p. 6).

Even a David Friedlaender, for whom much of this generalization does hold, was prepared to defend the moral integrity of Polish Jewry.²

A systematic survey of a more representative body of primary sources from the middle decades of

the nineteenth century would have tempered and nuanced Aschheim's depiction. Ludwig Philippson's *Allgemeine Zeitung des Judentums*, Zacharias Frankel's *Monatsschrift für Geschichte und Wissenschaft des Judentums*, and Isidor Busch's *Kalender und Jahrbuch für Israeliten* all published innumerable reports and essays on the Jews of Hungary, Galicia, Bohemia, Moravia, and Russia which reflect an appreciation of regional differences, a respect for facts, and a desire to understand the objective causes of Jewish misery in the east. Though this substantial collection of history and reportage is imbued with a lively sense of superiority, it goes well beyond the mechanical recycling of self-serving biases. It should have been thoroughly examined for content and terminology and subjected to some form of qualification.

Even in the use of fiction, where Aschheim is at his best, the evidence is less one-sided than his sample implies. If the underlying subject of this book is "the fateful and complex role of 'the ghetto' in modern self-understanding" (p. xiii), one cannot dismiss the *oeuvres* of such talented pioneers of the popular genre of *Ghettogesichten* as Leopold Kompert and Aron Bernstein simply because they focused on the pre-emancipation Jewry of Bohemia and Posen respectively. To many a German and Jew the distinctions between Polish and Posen Jewry were academic. The intimate, tender, and evocative portraits created by Kompert and Bernstein far surpass those of Franzos precisely because they lack his self-righteous indignation.

Equally important for a proper understanding of the ghetto in the mind of nineteenth-century German Jewry are the well-known genre paintings of traditional Jew

ish family life by Moritz Oppenheim. Published repeatedly from 1866 on in a variety of formats, their amazing artistic diffusion tells us something of the reconciliation of German Jews to their immediate past. Oppenheim's depiction of the German ghetto on the threshold of emancipation is most assuredly selective and sanitized, but he unquestionably succeeded in conveying its spiritual depth and power. In the process, he gently reminded his viewers of the former unity of Ashkenazi Jewry by including in many of the paintings a guest from the east, a well-mannered figure marked by dignity and cleanliness as well as piety. Amid a rising tide of German anti-Semitism, the rehabilitated ghetto of Oppenheim offered a message of self-respect and consolation.

The mainstream of German Jewry in the twentieth century fares little better in Aschheim's book. Again, impressionistic *aperçus* substitute for the thorough and painstaking scrutiny of the major organs of Jewish institutional life. To give but one example, nowhere in this study will one find an extended discussion of the *Centralverein*, German Jewry's formidable defense establishment, or a systematic review of its voluminous journal in terms of views and policies over time toward the increasingly complex *Ostjudenfrage*. Instead, the reader is treated to a four-page analysis of the hostile views of Max Naumann, the leader of a tiny contingent of ultra German Jewish nationalists. At the end, Aschheim justifies the effort by invoking "the contention of one of Naumann's supporters that although they used different words, the membership of the *Centralverein* shared the *Deutschnationale Juden's* negative opinions of the *Ostjuden*" (p. 224). Such methodology is about as valid

as describing the views of the American Jewish Committee on Anti-Semitism in America through the pronouncements of the Jewish Defense League and hardly befits the pretensions of academic research.

In the final analysis, the tools of intellectual history alone, even when expertly wielded, are inadequate to the subject of this study. What is *ab initio* excluded from serious consideration by Aschheim is a careful analysis of what the institutions of German Jewry did regarding the painful dilemmas posed for it by the Jews of the east. Certainly actions are as important an indicator of group consciousness as are words, and the total picture will elude the historian who arbitrarily restricts himself to one or the other. In regard to the fate of *Ostjuden* in the east and in Germany before and after World War One, the leadership of German Jewry did not flinch from challenging German governments repeatedly on policies and intentions that smacked of discrimination and prejudice. Sentiments voiced in the social realm did not inevitably govern the actions of political life. Despite the cultural and religious chasm effected by emancipation, German Jewish leadership in New York as well as in Berlin at the turn of the century, unlike Jewish leadership at other times and in other places, recognized the indivisible unity of Jewish fate.

1. *Zeitschrift für die Geschichte der Juden in Deutschland*, I (1887), p. 267.

2. David Friedlaender, *Über die Verbesserung der Israeliten in Königreich Pohlen* (Berlin, 1819), pp. xxxviii-xxlvii.

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BOOKS RECEIVED

From August through October 1983

Listing of a book does not preclude its being reviewed in a subsequent issue of JUDAISM.

Bible

Craven, Toni. *Artistry and Faith in the Book of Judith*. Chico, Cal.: Scholars Press, 1983. 139 pp., \$11.25 (paper).

Biography

Handler, Andrew. *Dori: The Life and Times of Theodor Herzl in Budapest*. University, Alabama: The University of Alabama Press, 1983. xv + 151 pp., \$16.95.

Kopelev, Lev. *Ease My Sorrows*. New York: Random House, 1983. 256 pp., \$17.95.

Kurzman, Dan. *Ben-Gurion, Prophet of Fire*. New York: Simon & Schuster, 1983. 544 pp., \$19.95.

Paper, Lewis J. *Brandeis*. Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1983. 442 pp., \$18.95.

Zemtsov, Ilya. *Andropov*. Jerusalem: Israel Research Institute of Contemporary Society. 1983. 252 pp. (paper).

Contemporary Jewish History

Abella, Irving and Harold Troper. *None Is Too Many. Canada and the Jews of Europe, 1938-1948*. New York: Random House, 1983. 336 pp., \$17.95.

Berger, David. *The Legacy of Jewish Migration: 1881 and its Impact*. New York: Columbia University Press, 1983. 187 pp., \$25.00.

Elazar, Daniel, with Peter Medding. *The Jewish Community in Frontier Societies*. New York: Holmes & Meier, Inc., 1983. 357 pp., \$44.50.

Laskier, Michael M. *The Alliance Israélite Universelle and the Jewish Communities of Morocco. 1862-1962*. Albany, N.Y.: SUNY Press, 1983. 372 pp.

Malino, Frances. *The Sephardic Jews of Bordeaux*. University, Alabama: The University of Alabama Press, 1978. x + 166 pp., \$14.50.

Marinbach, Bernard. *Galveston: Ellis Island of the West*. Albany, N.Y.: SUNY Press, 1983. xx + 240 pp., \$49.50.

Richarz, Monika. *Jüdisches Leben in Deutschland*, Vol. 3 (1918-1945). Stuttgart: Deutsche Verlags-Anstalt and Leo Baeck Institute, 1982. 495 pp.

Sonnenfeld, Marion, ed. *The World of Yesterday's Humanist Today*. Albany, N.Y.: SUNY Press, 1983. 357 pp., \$50.00.

Steinberg, Aaron. *History as Experience*. New York: KTAV, 1983. 486 pp., \$35.00.

Waskow, Arthur. *These Holy Sparks. The Rebirth of the Jewish People*. San Francisco: Harper & Row, 1983. 210 pp., \$11.95.

Contemporary Literature

Greenspan, Ezra. *The Schlemiel Comes to America*. Metuchen, N. J. and London: The Scarecrow Press, 1983. 258 pp., \$18.50.

Feminism

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And clean the oven just
the way she taught him,
call the lawyer; then he'll
bring his neighbor
stiff with years
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REGINA REIBSTEIN is a former director of information and education at the N.Y. City Department of Mental Health. Her poems have appeared in many anthologies and journals throughout the country.

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